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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

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U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29801-30000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 9, 1939]

29801. Adulteration of crab meat. U. S. v. Howard W. Shaw and John R. Shaw.
Plea of nolo contendere by Howard W. Shaw. Imposition of sentence suspended and defendant placed on probation for 5 years. Information dismissed as to John R. Shaw. (F. & D. No. 42541. Sample Nos. 13277-D, 13281-D, 13287-D, 13292-D.)

This product contained evidence of the presence of filth.

On July 16, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Howard W. Shaw and John R. Shaw, trading as the Gulf Coast Fisheries at Jacksonville, Fla., alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about February 12, 1938, to on or about February 15, 1938, from the State of Florida into the States of New York and Pennsylvania of quantities of crab meat which was adulterated.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On October 3, 1938, the defendants filed a demurrer to the information, motion for bill of particulars, and motion to quash. On October 14, 1938, the court denied the motion to quash and overrule the demurrer, and granted the defendants' motion for bill of particulars as to the nature of the filthy animal substance alleged to be the gist of the offense charged. On October 26, Howard W. Shaw withdrew his plea of not guilty and entered a plea of nolo contendere and on the same day, on motion of the United States attorney, the information was dismissed as to John R. Shaw. Imposition of sentence was suspended as to Howard W. Shaw and he was placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29802. Adulteration of caraway seed. U. S. v. 110 Bags of Caraway Seed.
Default decree of condemnation and destruction. (F. & D. No. 43109. Sample No. 27662-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain materially less volatile oil than normal seed should contain, indicating that the seed was partially exhausted.

On July 21, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 bags of caraway seed at St. Louis, Mo.; alleging that the article had been shipped on or about June 24, 1938, by P. H. Petry from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that caraway seed from which a portion of the volatile oil had been removed had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for it; and in that a valuable constituent, volatile oil, had been wholly or in part abstracted.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29803. Adulteration of canned clams. U. S. v. William Palmer Hart and Frank N. Brown (Brown & Hart Packing Co.). Pleas of guilty. Fines, \$100. (F. & D. No. 42553. Sample Nos. 964-D, 14080-D, 14118-D, 14119-D, 14133-D.)

This product was in part decomposed.

On October 14, 1938, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Palmer Hart and Frank N. Brown, trading as Brown & Hart Packing Co., Millbridge, Maine, alleging shipment by said defendants in violation of the Food and Drugs Act in the period from on or about October 29, 1937 to on or about December 16, 1937, from the State of Maine into the States of Rhode Island, Massachusetts, and New Hampshire, of quantities of canned clams which were adulterated. The article was labeled in part: "B. & H. Brand * * * Fancy Clams"

Adulteration was alleged in that the article consisted in part of a decomposed substance, namely, partly decomposed clams.

On November 1, 1938, the defendants entered pleas of guilty and the court imposed a fine of \$50 against each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29804. Adulteration of butter. U. S. v. 18 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43046. Sample No. 18284-D.)

This product was deficient in milk fat.

On June 25, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, by Swift & Co. from Coquille, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On August 25, 1938, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29805. Adulteration of apples. U. S. v. 11 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43502. Sample No. 32703-D.)

This product was contaminated with arsenic and lead.

On August 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by E. A. Fichtner from Coloma, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29806. Adulteration of apples. U. S. v. 24 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43814. Sample No. 32759-D.)

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by A. F. Dass from St. Joseph, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. J. Grieser * * * Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 15, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29807. Adulteration of pears. U. S. v. 20 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43944. Sample No. 33303-D.)

This product was contaminated with arsenic and lead.

On September 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, by Peter Lores from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "G. E. Holmquist Breedsville, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 3, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29808. Adulteration of pears. U. S. v. 15 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43942. Sample No. 32728-D.)

This product was contaminated with arsenic and lead.

On August 18, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by George Reinhardt from St. Joseph, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 25, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29809. Adulteration of pears. U. S. v. 10 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43517. Sample No. 32702-D.)

This product was contaminated with arsenic and lead.

On August 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Ferdinand Bahm from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29810. Adulteration of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 42545. Sample Nos. 7508-D, 7509-D, 16986-D, 16994-D.)

Samples of this product were found to contain maggots.

On August 25, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act on or about December 31, 1937, and January 21, 1938, from the State of Oregon into the States of Virginia and New York, respectively, of quantities of canned cherries which were adulterated. Portions were labeled: "Royal Anne

Cherries [or "Ferndale Brand Royal Anne Cherries"] * * * Wallace, Burton & Davis Co. Distributors New York." The remainder was labeled: "Home Spun Brand * * * Phillips-Lewis Co. Inc. Distributors, Richmond, Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 29, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29811. Misbranding of canned cherries. **U. S. v. 250 Cases of Canned Cherries (and 5 similar seizure actions).** **Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. Nos. 44005 to 44010, inclusive. Sample Nos. 24966-D, 24967-D, 24968-D, 28393-D.)

This product was substandard because of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On September 30, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 525 cases of canned cherries at Tampa, Fla., and 248 cases of canned cherries at St. Petersburg, Fla.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Huber Packing Co., Inc., from Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Midfield Brand Water Pack R. S. P. Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per each 20 ounces of net contents and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 28, 1938, the cases having been consolidated and the Huber Packing Co. Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled to conform to the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29812. Misbranding of canned peas. **U. S. v. 145 Cases and 69 Cases of Peas. Default decrees of condemnation. Product ordered delivered to charitable institutions.** (F. & D. Nos. 43906, 43907. Sample Nos. 27577-D, 27583-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 16, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 214 cases of canned peas at Amarillo, Tex.; alleging that the article had been shipped in interstate commerce on or about June 23, 1938, by A. W. Sisk & Son from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hi-Chief Brand Early June Peas * * * Packed by Lineboro Canning Company, Inc. Lineboro, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29813. Adulteration of candy. **U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction.** (F. & D. No. 43615. Sample No. 16137-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 1, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy

at Lockport, La.; alleging that the article had been shipped on or about November 3, 1937, by Charms Sales Co. from Bloomfield, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29814. Adulteration of apples. U. S. v. 528 Bushels of Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 44336. Sample Nos. 42635-D, 42930-D.)

This product was contaminated with arsenic and lead.

On November 3, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 528 bushels of apples at West Somerset, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 24, 1938, by Samuel Rinelli from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "NY U. S. No. 1 * * * F. H. Ferguson & Son, Appleton, N. Y. Ont. Spy."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On November 4, 1938, Samuel Rinelli, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the lead and arsenic be removed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29815. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$100. (F. & D. No. 42518. Sample Nos. 55201-C, 55203-C, 55210-C, 2222-D, 2223-D.)

This product was deficient in milk fat.

On July 5, 1938, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading as Armour Creameries at Mitchell, S. Dak., alleging shipment by said defendant on or about September 29, 1937, and January 24, 1938, from the State of South Dakota into the States of Massachusetts and Minnesota, respectively, of quantities of butter which was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Goldendale Creamery Butter. Distributed by Armour Creameries General Offices Chicago."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 22, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29816. Adulteration of canned blackberries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 42534. Sample No. 51896-C.)

This product was in part moldy.

On July 1, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 15, 1937, from the State of Oregon into the State of Ohio, of a quantity of canned blackberries which were adulterated. The article was labeled in part: "White Tag Blackberries Select Pacific Coast Fruits."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 9, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29817. Adulteration of raisins. U. S. v. 7 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. No. 43456. Sample No. 25023-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 2, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of raisins at Key West, Fla.; alleging that the article had been shipped on or about May 18, 1938, by Fraering Brokerage Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dubon Brand * * * Distributed by Dubon Co. of New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29818. Adulteration of flour. U. S. v. 26 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43996. Sample No. 35653-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 27, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bags of flour at Charlestown, Mass.; alleging that the article had been shipped on or about October 27, 1937, by Royal Milling Co. from Great Falls, Mont.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29819. Adulteration of apples. U. S. v. 45 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44434. Sample No. 46052-D.)

This product was contaminated with arsenic and lead.

On November 8, 1938, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bushels of apples at Dawson Springs, Ky.; alleging that the article had been shipped in interstate commerce on or about November 3, 1938, that it had been transported from Morning Star Orchards, Rothbury, Mich., by Ralph Isaacs to himself at Dawson Springs, Ky.; and charging that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29820. Adulteration of black figs. U. S. v. 80 Cases of Dried Black Figs. Consent decree of condemnation and destruction. (F. & D. No. 44314. Sample No. 20307-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On November 12, 1938, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of dried black figs at Honolulu, Hawaii; alleging that the article had been shipped on or about September 16, 1938, by Los Angeles Nut House from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in substance in that the article was infested with insects and was filthy and decomposed.

On November 12, 1938, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29821. Adulteration of tullibees. U. S. v. 6 Boxes of Fresh Fish (Tullibees). Consent decree of condemnation and destruction. (F. & D. No. 44229. Sample No. 32903-D.)

This product was infested with parasitic worms.

On October 13, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of fresh fish at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 5, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance and in that it consisted of portions of animals unfit for food.

On October 15, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29822. Adulteration of butter. U. S. v. The Fairmont Creamery Co. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$10. (F. & D. No. 40829. Sample Nos. 62015-C, 62137-C.)

This product contained less than 80 percent of milk fat.

On June 2, 1938, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation having its principal place of business at Omaha, Nebr., and trading at Devils Lake, N. Dak.; alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 23, 1937, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

On November 4, 1938, a plea of not guilty having been entered, the court on the facts submitted by the attorneys for both sides, found the defendant guilty and imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29823. Adulteration and misbranding of butter. U. S. v. Rye Co-operative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. No. 42590. Sample Nos. 27358-D, 27372-D.)

This product was short weight, and a portion was deficient in milk fat.

On October 11, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rye Co-operative Creamery Association, Rye, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1 and June 8, 1938, from the State of Colorado into the State of New Mexico, of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Rye Butter Sweet Cream Butter * * * One Pound Net Weight."

A portion of the article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

The said portion was alleged to be misbranded in that the statement "Butter" was false and misleading since the article was not butter as defined by law but was a product which contained less than 80 percent of milk fat; both lots were alleged to be misbranded in that the statement "One Pound Net Weight," on the carton, was false and misleading and was borne on the carton so as to

deceive and mislead the purchaser since the carton contained less than 1 pound net of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On November 21, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29824. Adulteration of canned shad. U. S. v. 72 Cases of Shad. Default decree of condemnation and destruction. (F. & D. No. 43947. Sample Nos. 34601-D, 36297-D.)

This product was in part decomposed.

On or about September 27, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of shad at Charlottesville, Va.; alleging that the article had been shipped in interstate commerce on or about August 13, 1938, by Howard Terminal from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Crescent Brand Spring Pack Shad * * * F. E. Booth Company, Inc. * * * San Francisco."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On October 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29825. Adulteration of oysters. U. S. v. 2,600 Pints and 5,220 Pints of Oysters. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 44399, 44400. Sample Nos. 34802-D, 34803-D.)

This product contained an excessive amount of added water.

On November 23, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,820 pints of oysters at Altoona, Pa.; alleging that the article had been shipped in interstate commerce on or about November 21, 1938, by Carol Dryden Co. from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pride of the Chesapeake Salt Water Oysters."

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength, and in that water had been substituted wholly or in part for it.

On November 23, 1938, Carol Dryden Co., claimant, having admitted the allegations of the libels, the court ordered the product released under bond, conditioned that it be reconditioned or repacked in conformity with the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29826. Misbranding of candy. U. S. v. Mrs. Stover's Bungalow Candies, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42515. Sample Nos. 3322-D, 3323-D, 3421-D, 3422-D, 3423-D.)

These boxes of candies were short of the declared weight, and the quantity of contents was placed inconspicuously on the side panel.

On August 3, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Stover's Bungalow Candies, Inc., Denver, Colo., alleging shipment by said defendant within the period from on or about January 19, 1938, to on or about January 25, 1938, from the State of Colorado into the States of Nebraska, Wyoming, and Kansas, in violation of the Food and Drugs Act as amended, of quantities of candies that were misbranded. The article was labeled variously in part: "Mrs. Stover's Butter Creams & Fudges [or "Bungalow Chocolates" or "Assorted Chocolates Real Home Made"]".

The article was alleged to be misbranded in that the statements, "Net Weight 9 Ozs.," "Net Weight One Pound," or "Net Wt. 1 Lb.," borne on the boxes, were false and misleading since the net weight of the contents of the boxes was less than represented by an amount in excess of a reasonable variation or permissible tolerance. It was alleged to be misbranded further in that by reason of the

statements aforesaid the article was labeled and branded so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight since the statement was inconspicuously placed on the smallest of the dimensions of the package; and was printed on some of the packages in 3 on 6 point lining gothic, in others in 4 on 6 point, and in others in 5 on 6 point.

On November 18, 1938, a plea of nolo contendere was entered on behalf of the defendant, which plea was accepted by the court and a total fine of \$100 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29827. Adulteration and misbranding of butter. *U. S. v. 16 Tubs of Butter (and 13 other seizure actions against the same product). Consent decrees of condemnation. Product released under bond conditioned that it should not be disposed of in violation of the law.* (F. & D. Nos. 43788 to 43791, inclusive, 43819 to 43827, inclusive, 44149. Sample Nos. 21167-D to 21173-D, inclusive, 21176-D, 21177-D, 21178-D, 21183-D to 21189, inclusive.)

This product was deficient in milk fat and portions contained added mineral oil.

On August 10, August 18, and September 7, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,913 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in the period from on or about July 2, 1938, to on or about August 18, 1938, by the Archer Produce Co. from Vinita, Okla.; and charging adulteration of all lots and misbranding of portions in violation of the Food and Drugs Act.

All lots were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by the act of March 4, 1923. Adulteration was alleged further with respect to portions of the article in that mineral oil had been substituted in part for butterfat.

Certain lots were alleged to be misbranded in that they were labeled "Butter," which was false and misleading since the article contained less than 80 percent of milk fat.

On August 18 and September 22, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond in the total amount of \$60,800, conditioned that it be disposed of only in compliance with the law and under the supervision of this Department. The butter which was low in milk fat and not otherwise adulterated (500 tubs) was reworked to the legal standard; that which contained mineral oil (664 tubs) was denatured and rendered inedible; the remaining butter was found to be passable.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29828. Adulteration of grits, flour, and rolled oats. *U. S. v. 18 Sacks, 45 Sacks, and 57 Sacks of Grits (and 4 similar seizure actions). Default decrees of condemnation and destruction.* (F. & D. Nos. 43711 to 43715, inclusive, 43745, 44047. Sample Nos. 34612-D, 38068-D, 38069-D, 38070-D, 38366-D, 38367-D, 38368-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On September 14 and 30, 1938, the United States attorneys for the Eastern District of Louisiana and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 120 sacks of hominy grits and 235 sacks of flour at Donaldsonville, La., and 13 sacks of rolled oats at Frederick, Md.; alleging that the products had been shipped within the period from on or about December 31, 1937, to on or about July 11, 1938, by the Quaker Oats Co., in part from St. Joseph, Mo., and in part from Akron, Ohio; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled variously in part: "Aunt Jemima Hominy Grits"; "Buckeye Rolled Oats"; "Monogram Inc.

Milled Especially For Consolidated Companies Plaquemine, La."; "Conco Wheat Flour Manufactured For Consolidated Companies Inc. Plaquemine, La."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On October 25 and November 5, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29829. Adulteration and misbranding of flour. U. S. v. 45, 111, and 120 Bags of Flour. Decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 43165, 43166, 43167. Sample Nos. 37804-D, 37805-D, 37806-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. All lots were bleached, but in one lot the statement "Bleached" was inconspicuously printed in pale yellow type on a white background at the bottom of the bag.

On August 1, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 276 bags of flour at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about June 21, 1938, by New Era Milling Co. from Arkansas City, Kans.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Northlite [or 'Polar Bear'] Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

A portion of the article was alleged to be misbranded in that the statement "Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached, since the statement "matured—bleached" was so inconspicuously placed on the label as to be illegible.

On November 8, 1938, the Shaw Warehouse Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured in such manner that it could not be diverted for human use.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29830. Adulteration of flour. U. S. v. 88 Bags of Flour (and 2 other seizure actions against the same product). Decrees of condemnation. Portion of product released under bond. Remainder destroyed. (F. & D. Nos. 43527, 43559, 43988. Sample Nos. 38117-D, 38118-D, 38155-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. A portion was bleached flour although not so labeled.

On or about August 27, August 29, and September 29, 1938, the United States attorneys for the Southern District of Alabama and the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 382 bags of flour at Mobile, Ala., and 21 bags of flour at Pensacola, Fla.; alleging that the article had been shipped within the period from on or about June 22, 1938, to on or about September 6, 1938, by the Dixie Portland Flour Co., in part from Memphis, Tenn., to Mobile, Ala., and in part from Mobile, Ala., to Pensacola, Fla.; and charging adulteration in violation of the Food and Drugs Act. One lot was labeled "Oven-bloom * * * Flour * * * Higginsville Flour Mill, Higginsville, Mo. Bleached"; the second lot bore the word "Climax" on the tag attached to the bag; and the third lot was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance. The Climax brand was alleged to be adulterated further in that bleached flour had been substituted wholly or in part for the article.

On September 12, 1938, the Dixie-Portland Flour Co., having appeared as claimant for the lots seized at Mobile, Ala., and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond to be reconditioned for animal feed or for some purpose other than human consumption. On November 29, 1938, no claim having been entered for the lot seized at Pensacola, Fla., judgment of condemnation was entered and the lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29831. Adulteration and misbranding of butter. U. S. v. 69 Tubs and 98 Tubs of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. Nos. 44232, 44233. Sample Nos. 32284-D, 32293-D.)

This product contained less than 80 percent of milk fat.

On October 6 and October 13, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 167 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about September 6, and in part on or about September 25, 1938, by Beatrice Creamery Co. from Oklahoma City, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On October 13 and 14, 1938, Beatrice Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered ordering release of the product under bond, conditioned that it be reworked to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29832. Adulteration of corn meal. U. S. v. 185 Sacks and 105 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. & D. Nos. 43658, 43659. Sample Nos. 38094-D, 38095-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 290 sacks of corn meal at Hammond, La.; alleging that the article had been shipped on or about August 18, 1938, by Valley Mills from Jackson, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Target [or "Jax"] Fresh Ground Corn Meal."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29833. Adulteration of canned crab meat. U. S. v. 60 Cases and 155 Cases of Crab Meat. Decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 43095, 43154. Sample Nos. 18181-D, 36281-D.)

This product was in part decomposed.

On July 19 and 29, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 215 cases of canned crab meat at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce within the period from on or about November 6, 1937, to on or about April 26, 1938, from Seattle, Wash., by the American Transfer Co.; and charging adulteration in violation of the Food and Drugs Act. A portion of the cases were labeled: "Flats Crab Order of Gulf Pkg. Co."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 30, 1938, Robert M. Gardiner, San Francisco, Calif., having appeared as claimant, the court entered findings that the product had been packed by the Gulf Packing Co., and had been shipped by that firm from Cordova, Alaska. Judgments of condemnation were thereupon entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29834. Adulteration of flour. U. S. v. 20 Bags and 176 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43716, 43744. Sample Nos. 38371-D, 49622-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8 and 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 bags of flour at Lockport, La., and 176 bags of flour at Plaquemine, La.; alleging that the article had been shipped in part on or about July 16, 1938, and in part on or about July 20, 1938, by G. B. R. Smith Milling Co. from Sherman, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Eagle Bleached Hard Wheat Flour" or "Sunlight Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 5 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29835. Adulteration and misbranding of cheese. U. S. v. 38 Boxes of Cheese. Default decree of condemnation and destruction. (F. & D. No. 44286. Sample No. 38391-D.)

This case involved cheese that was deficient in fat and that contained excessive moisture.

On November 5, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 boxes of cheese at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by Devine Creamery Co. from Devine, Texas; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance deficient in fat and containing excess moisture had been mixed and packed therewith so as to reduce or lower its quality and had been substituted wholly or in part for full cream or whole milk cheese, which it purported to be.

The article was alleged to be misbranded in that the statement "full cream," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat and containing excess moisture.

On November 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29836. Adulteration of apples. U. S. v. 13 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44142. Sample No. 32121-D.)

This product was contaminated with arsenic and lead.

On September 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, by George Kringas from Benton Harbor, Mich., to himself at Chicago; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown by F. W. Rodewald Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29837. Adulteration of pears. U. S. v. 65 Boxes of Pears. Default decree of condemnation and destruction. (F. & D. No. 44154. Sample No. 21284-D.)

This product was contaminated with arsenic and lead.

On September 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 boxes of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 15, 1938, by Reter Fruit Co. from Medford, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29838. Adulteration and misbranding of graham crackers. U. S. v. 310 Cartons of "Burry's Crisp Brown Milk and Honey Grahams." Consent decree of condemnation and destruction. (F. & D. No. 43972. Sample No. 21810-D.)

This product was sold as milk and honey graham crackers but contained little or no milk and very little honey in comparison with the amount of sugar that was used as the principal sweetening agent.

On September 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 310 cartons of graham crackers at Chicago, Ill.; alleging that the article has been shipped in interstate commerce on or about July 13, 1938, by Burry Biscuit Corporation from Waverly, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing little or no milk, and very little honey in comparison with sugar (sucrose) the principal sweetening agent, had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "Milk and Honey Grahams" was false and misleading and tended to deceive and mislead the purchaser.

On November 1, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29839. Adulteration of apples. U. S. v. 10 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44605. Sample No. 32194-D.)

This product was contaminated with arsenic and lead.

On September 27, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Highland, Ind.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, from Benton Harbor, Mich., by William Hamilton to himself at Highland, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. C. Harris R. 1, Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29840. Misbranding of canned pears. U. S. v. 257 Cases of Canned Pears. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43806. Sample No. 19484-D.)

This product was substandard because the fruit was not in unbroken halves, and it was not labeled to indicate that it was substandard.

On September 10, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 257 cases of canned pears at Minneapolis, Minn.; alleging that they had been shipped in interstate commerce on or about February 5, 1938, by the C. S. Kale Canning Co. from Everson, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nooksac Compote * * * Bartlett Pears."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 17, 1938, the Northwest Grocers, St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29841. Misbranding of canned peaches. U. S. v. 13 Cases of Canned Peaches. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42944. Sample No. 28624-D.)

This product fell below the standard established by this Department, and it was not labeled to indicate that it was substandard.

On June 18, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned peaches at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 20, 1937, from Portland, Oreg., for the Gresham Berry Growers, Inc., of Gresham, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oregon Freestone Peaches Packed By Gresham Berry Growers, Inc."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it was packed in water, the units were not of uniform sizes, the fruit was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be removed and the product delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29842. Adulteration and misbranding of bread. U. S. v. O. P. Skaggs Co. Plea of guilty. Fine, \$34. (F. & D. No. 42607. Sample Nos. 11622-D, 11627-D, 11628-D, 11651-D.)

This case involved three shipments of so-called milk bread which was deficient in milk and was short weight, and one shipment of bread which failed to bear a statement on the label of the quantity of the contents.

On November 14, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the O. P. Skaggs Co., a corporation trading at Salt Lake City, Utah, alleging shipment by said company in the period from on or about April 13, 1938, to on or about April 29, 1938, from the State of Utah into the State of Idaho of quantities of bread which was misbranded and portions of which were adulterated in violation of the Food and Drugs Act. Portions of the article were labeled: "Milk Maid Bread * * * Baked By City Baking Co. Salt Lake City, Utah."

Portions of the article were alleged to be adulterated in that a product deficient in milk had been substituted for milk bread, which it purported to be.

The said portions were alleged to be misbranded in that the statement "Milk Maid White [or "Wheat"] Bread" and "1 Lb." together with a design of a milk maid with a pail of milk, borne on the wrapper, were false and misleading and were borne on the wrapper so as to deceive and mislead the purchaser in that the said statements represented that the article consisted of milk bread and that each loaf weighed 1 pound; whereas the article did not consist of milk bread, but consisted of a product deficient in milk and each of the loaves did

not contain 1 pound, but did contain a less amount. All shipments were alleged to be misbranded in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents was omitted in one lot and incorrectly declared in the others.

On November 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$34.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29843. Misbranding of Lacticam. U. S. v. 9 Packages of Lacticam. Judgment of condemnation and destruction. (F. & D. No. 37401. Sample No. 57016-B.)

This product was labeled to create the impression that it contained the ingredients of whole milk; whereas it consisted of dried, powdered whey.

On March 21, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Lacticam at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Milk Minerals Co., Inc., from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lacticam a High Calcium Food Derived Entirely From Milk."

The Milk Minerals Co., Inc., appeared as claimant. The time for filing an answer was extended by agreement and the case was continued from time to time. On September 12, 1938, an amendment to the libel was filed.

The libel as amended alleged that the article was misbranded in that the statement "Essential Milk Nutrients in Concentrated Form," borne on the shipping case and on the label, was false and misleading since the article did not contain the ingredients of whole milk.

On October 31, 1938, the claimant having filed a motion to dismiss the amended libel, the motion was denied without opinion.

On November 15, 1938, the case having come on to be heard and the court having found that the allegations of the libel were true, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29844. Adulteration of sausage flour. U. S. v. 9 Barrels of Sausage Flour. Default decree of condemnation and destruction. (F. & D. No. 43326. Sample No. 23818-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 19, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine barrels of sausage flour at Fort Worth, Tex.; alleging that the article had been shipped on or about April 19, 1938, from Omaha, Nebr.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Griffith's Processed Sausage Flour * * * The Griffith Laboratories Chicago."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29845. Adulteration of candy. U. S. v. 46 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43801. Sample No. 23826-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cartons of candy at Fort Worth, Tex.; alleging that the article had been shipped within the period from on or about June 25 to on or about August 4, 1937, by Fair Play

Caramels, Inc., from Johnson City, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29846. Adulteration of candy. U. S. v. 7 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43778. Sample No. 45007-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 26, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven boxes of candy at Springfield, Fla.; alleging that the article had been shipped on or about May 10, 1938, by McGraw Candy Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29847. Adulteration of flour. U. S. v. 700 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. & D. No. 43703. Sample No. 25106-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 16, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 bags of flour at Panama City, Fla.; alleging that the article had been shipped on or about April 27, 1938, by Sperry Flour Co., Western Division, General Mills, Inc., from Tacoma, Wash.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 25, 1938, Theo Stivers Milling Co., Dothan Ala., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of as animal feed or for some other purpose not contrary to the Federal Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29848. Adulteration of candy. U. S. v. 26 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43710. Sample No. 13623-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be sour and decomposed.

On September 3, 1938, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of candy at Moultrie, Ga.; alleging that the article had been shipped on or about May 12, 1938, by York Cone Co. from York, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29849. Misbranding of canned peas. U. S. v. 2,710 Cases of Canned Peas. Product ordered released under bond conditioned that the substandard portion be relabeled. (F. & D. No. 44076. Sample No. 31287-D.)

This product was in whole or in part substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On October 5, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,710 cases of canned peas at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about July 11 and 13, 1938, by Phillips Sales Co., Inc., from Newark, Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Phillips Delicious Early June Peas, packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 1, 1938, the Phillips Sales Co. having appeared as claimant and having admitted the allegations of the libel with the exception that claimant maintained that a portion of the goods, identified by certain codes, was not substandard, judgment was entered ordering that the product be delivered to claimant upon the filing of a bond, conditioned that any peas which graded standard be released and that those which graded substandard be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29850. Adulteration of crab meat. U. S. v. 95 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 44111. Sample No. 34072-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain evidence of the presence of filth.

On August 12, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 pounds of crab meat at Baltimore, Md.; alleging that the article had been shipped on or about August 11, 1938, by Nandua Seafood Co. from Keller, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29851. Adulteration and misbranding of butter. U. S. v. Dublin Creamery Co., Inc. Plea of guilty. Fine, \$100. (F. & D. No. 42585. Sample No. 23727-D, 23729-D.)

This product contained less than 80 percent of milk fat.

On November 8, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dublin Creamery Co., Inc., Dublin, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 4, 1938, from the State of Texas into the State of Louisiana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Ol' Fashund Roll Finest Creamery Butter * * * Distributors Wilson & Co."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by act of March 4, 1923.

The article was alleged to be misbranded in that the statement "Butter," borne on the wrapper, was false and misleading since it was not butter as defined by said act.

On November 26, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29852. Adulteration of corn meal. U. S. v. 23 Bags of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43987. Sample No. 38154-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested and to contain rodent hairs.

On or about September 28, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bags of corn meal at Pensacola, Fla.; alleging that the article had been shipped on or about September 3, 1938, by Western Grain Co. from Birmingham, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bang Up Old Style Unbolted Meal."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29853. Adulteration of tomato puree. U. S. v. 32 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 43033. Sample Nos. 27283-D, 3637-D.)

This product contained excessive mold.

On July 12, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato puree at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about January 3, 1938, by Smith Canning Co. from Clearfield, Utah; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Dinnerette Brand Puree."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On December 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29854. Misbranding of canned peas. U. S. v. 595 Cartons of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40371. Sample No. 27125-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 25, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 595 cartons of canned peas at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about July 1, 1937, by the Mason Canning Co. from Pocomoke City, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sea View No. 3 Sieve Alaska Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 18, 1938, the Mason Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department to comply with the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29855. Misbranding of canned cherries. U. S. v. 19½ Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42332. Sample Nos. 23020-D, 23026-D.)

This product fell below the standard established by this Department because it contained excessive packing medium, and it was not labeled to indicate that it was substandard.

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ cases of canned cherries at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 23, 1937, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Coeur d'Alene Brand Red Sour Pitted Cherries Packed in Water."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the labels be removed and the product delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29856. Misbranding of glass pack shrimp. U. S. v. 27 Cases of Shrimp. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42205. Sample No. 10565-D.)

This product was falsely represented to have been packed and produced under the supervision of this Department.

On April 15, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of shrimp at Trenton, N. J.; alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by W. M. Brooks Packing Co., Inc., from Fernandina, Fla.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Florida Sea Brand Shrimp * * * Production Supervised by U. S. Food and Drug Administration."

It was alleged to be misbranded in that the statement "Production Supervised by U. S. Food and Drug Administration" was false and misleading and tended to deceive and mislead the purchaser, since the production of the article was not supervised by the United States Food and Drug Administration.

On June 8, 1938, W. M. Brooks Packing Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond, conditioned that it be relabeled to comply with the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29857. Misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation. Product ordered released under bond to be relabeled or repacked. (F. & D. No. 44415. Sample No. 27427-D.)

This product was short of the declared weight.

On November 7, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about November 2, 1938, by the Kimball Creamery Co. from Kimball, Nebr.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Kimball Creamery Butter 1 lb. net."

It was alleged to be misbranded in that the statement "1 lb. net" was false and misleading since the carton contained less than 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1938, the Kimball Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be repacked or relabeled under the supervision of this Department so as to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29858. Adulteration and misbranding of tomato catsup. U. S. v. Horse Shoe Pickle Works, Ltd. Plea of nolo contendere. Fine, \$50. (F. & D. No. 42565. Sample Nos. 9278-D, 16146-D.)

This product contained apple pulp and added color. It also contained sodium benzoate in excess of the amount declared.

On September 7, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Horse Shoe Pickle Works, Ltd., a corporation, New Orleans, La., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 9 and April 1, 1938, from the State of Louisiana into the State of Mississippi, of quantities of tomato catsup that was adulterated and misbranded. It was labeled in part: "Horse-Shoe Brand Tomato Catsup."

The article was alleged to be adulterated in that apple pulp had been substituted in part for tomato catsup; and in that it had been artificially colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Tomato Catsup," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it represented that the article was tomato catsup; whereas it consisted in part of pulp other than tomato pulp, namely, apple pulp. Misbranding was alleged for the further reason that the article was an artificially colored imitation of and was offered for sale under the distinctive name of another article, tomato catsup. It was alleged to be misbranded further in that the statement on the label, "Contains 1/10 of 1% Benzoate of Soda," was false and misleading since the article contained considerably more than one-tenth of 1 percent of benzoate of soda.

On December 8, 1938, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29859. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43817. Sample No. 32778-D.)

This product was contaminated with arsenic and lead.

On August 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 21, 1938, by the Shafton Co. from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ed Brenner R-2 Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29860. Adulteration of fig bars. U. S. v. 21 Packages of Suzette Fig Bars. Default decree of condemnation and destruction. (F. & D. No. 44258. Sample No. 34308-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On November 1, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of fig bars at Washington, D. C.; alleging that the article had been shipped on or about August 15, 1938, by the Zion Baking Co. from Zion Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Suzette Fig Bar * * * Suzette Bakeries, Zion, Illinois."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29861. Adulteration of apples. U. S. v. 108 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41256. Sample No. 34662-D.)

This product was contaminated with lead.

On October 28, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 bushels of apples at Washington, D. C.; alleging that the article had been transported on or about October 27, 1938, by L. A. Chappell, of Tyner, N. C., from Charles Town, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29862. Adulteration of butter. U. S. v. 70 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 44390. Sample No. 27119-D.)

This product was deficient in milk fat.

On November 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 29, 1938, by Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On November 25, 1938, the Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29863. Adulteration of canned cherries. U. S. v. B. E. Maling, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 42602. Sample No. 22836-D.)

This product consisted in part of worm-infested fruit.

On November 14, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against B. E. Maling, Inc., trading at Hillsboro, Oreg., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 23, 1938, from the State of Oregon into the State of Pennsylvania, of a quantity of canned cherries that were adulterated. The article was labeled in part: (Can) "Raycrest Royal Anne Cherries * * * Distributed By Ray-Maling Co. Inc. Hillsboro, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 25, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29864. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 44150. Sample No. 38047-D.)

This product contained less than 80 percent of milk fat.

On September 30, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, by Dublin Creamery [Co.], Inc., from Dublin, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clear Brook Fancy Quality Creamery Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On November 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29865. Adulteration of almonds. U. S. v. 205 Bags and 91 Bags of Almonds. Decree of condemnation. Product released under bond. (F. & D. No. 44355. Sample No. 36228-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-infested and moldy.

On November 18, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 bags of almonds at Philadelphia, Pa.; alleging that the article had been shipped on or about October 20, 1938, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 2, 1938, Albert Nelson Co. Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29866. Adulteration of flour. U. S. v. 117 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43164. Sample No. 37802-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 1, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bags of flour at Birmingham, Ala.; alleging that the article had been shipped on or about July 2, 1938, by the Hays City Flour Mills from Hays, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Rod Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29867. Adulteration of apples. U. S. v. 79 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44231. Sample No. 21278-D.)

This product was contaminated with arsenic and lead.

On September 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 11, 1938, by Batt Donovan from Lawrence, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29868. Misbranding of canned peas. U. S. v. 394 Cases of Canned Peas. Default decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43682. Sample No. 25723-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On September 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 394 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by Frederica Packing Co. from Frederica, Del.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Frederica Brand Early June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 15, 1938, the Frederica Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29869. Adulteration of peanuts. U. S. v. 11 Boxes of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 43673. Sample No. 22344-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infected.

On September 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of peanuts at Chicago, Ill.; alleging that the article had been shipped on or about August 12, 1938, by M. G. Collman from Watertown, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29870. Misbranding of grape juice. U. S. v. 73 Cases of Grape Juice. Default decree of condemnation and destruction. (F. & D. No. 43458. Sample No. 22336-D.)

This case involved an interstate shipment of grape juice that was short of the declared volume.

On August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of grape juice at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 18, 1938, by House of David Cold Storage Plant from St. Joseph, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "House of David Pure Concord Grape Juice."

It was alleged to be misbranded in that the statement on the label, "Contents 12 Fl. Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29871. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43142. Sample No. 21265-D.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On July 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 25, 1938, by the Verdigre Creamery Co. from Verdigre, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided for by the act of March 4, 1923.

On July 15, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29872. Adulteration of butter. U. S. v. 2 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 44378. Sample No. 49969-B.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On November 5, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two tubs of butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 30, 1938, by Fort Worth Poultry & Egg Co. from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29873. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. & D. No. 43979. Sample No. 26427-D.)

This product contained less than 80 percent of milk fat.

On September 14, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at Scranton, Pa.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by Lubbock Poultry & Egg Co. from Lubbock, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clear Brook Creamery Butter Wilson & Co."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29874. Adulteration and misbranding of butter. U. S. v. Twenty-eight 32-Pound Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44416. Sample No. 42762-D.)

This product contained less than 80 percent of milk fat.

On November 14, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel (amended November 15, 1938) praying seizure and condemnation of twenty-eight 32-pound cartons of butter at Youngstown, Ohio; alleging that the article had been shipped in interstate commerce on or about November 8, 1938, by Highland Creamery from Terre Haute, Ind.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Armour Star Quality Cloverbloom Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On or about November 28, 1938, Highland Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be reworked to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29875. Adulteration of candy. U. S. v. 18 Boxes and 9 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43757, 43776. Sample Nos. 25110-D, 25113-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 17, 1938, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 boxes of candy at Panama City, and 9 boxes of candy at Quincy, Fla.; alleging that the article had been shipped on or about April 16 and May 21, 1938, by Bobs Candy & Pecan Co. from Albany, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29876. Adulteration and misbranding of raspberry preserve. U. S. v. 39 Cases of Raspberry Preserve. Default decree of condemnation and destruction. (F. & D. No. 39630. Sample No. 21117-C.)

This product was deficient in fruit and contained an excessive amount of sugar and moisture.

On May 25, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of raspberry preserve at Burlington, Vt.; alleging that the article had been shipped in interstate commerce on or about October 1 and November 10, 1936, by Fresh Grown Preserve Corporation from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Own Brand Pure Raspberry Preserve."

It was alleged to be adulterated in that an excessive amount of sugar, and moisture which should have been removed by boiling, had been mixed and packed with it so as to reduce or lower its quality, and in that a mixture of fruit and sugar, containing less fruit and more sugar than preserve, and fruit moisture which should have been removed by boiling, had been substituted for preserve, which the article purported to be. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Raspberry Preserve" was false and misleading and tended to deceive and mislead the purchaser when applied to an article resembling preserve, but which contained less fruit than preserve; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, preserve.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29877. Misbranding of olive oil. U. S. v. 28 Cans of Alleged Olive Oil (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 32599, 32600, 32601. Sample Nos. 69722-A, 69723-A, 69724-A.)

This product was labeled to convey the impression that it was Italian olive oil, but consisted of domestic peanut oil.

On April 26, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 145 cans of oil at Newark, N. J., and 26 cans of oil at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about March 24 and 26, 1934, by Planters Edible Oil Co. from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements and designs appearing on the label of the product, namely, "Ali D'Italia Olio Vegetale Sopraffino Garantito Purissimo per Cucina e Tavola," and picture of airplanes in the Italian flying armada of Balbo, a map showing the route of this expedition, and the Italian colors—red, white, and green—in bars in a band around the bottom of the can, were misleading and tended to deceive and mislead the purchaser since they created the impression that the article was Italian olive oil, whereas it consisted exclusively of peanut oil of domestic origin; and in that it purported to be a foreign product when not so.

On October 29, 1934, the Planters Edible Oil Co. filed an answer denying the misbranding charge. On December 15, 1938, the cases having been set for trial and no person having appeared or interposed at that time, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29878. Misbranding of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$300. (F. & D. No. 39775. Sample Nos. 20231-C to 20234-C, inclusive.)

This product was represented to have been made in the United States, whereas it was a foreign product made in Siberia, Union of Soviet Socialist Republics.

On May 27, 1938, a special assistant to the Attorney General, acting upon a report by the Secretary of Agriculture, filed in the district court for the Southern District of New York an information against Armour & Co., a corporation having a place of business in New York, N. Y., alleging shipment by said company within the period from on or about February 17 to on or about March 1, 1937, from the State of New York into the State of Massachusetts of quantities of butter that was misbranded in violation of the Food and Drugs Act. It was labeled in part: (Wrapper) "Creamery Butter Made From Pasteurized Cream Made in U. S. A."

The article was alleged to be misbranded in that the statement "Made in U. S. A." borne on the wrappers, was false and misleading, and was borne on said wrappers so as to deceive and mislead the purchaser in that the said statement represented that the article was made in the United States of America; whereas it was not made in United States, but in Siberia, Union of Soviet Socialist Republics. It was alleged to be misbranded further in that it was falsely branded as to the country in which it was manufactured and produced.

On August 26, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29879. Adulteration and misbranding of grated cheese. U. S. v. 31 Dozen Cans of Grated Cheese. Default decree of condemnation and destruction. (F. & D. No. 38530. Sample No. 17264-C.)

This product contained added dried skim milk and a portion also contained added starch. It was short of the declared weight.

On November 12, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 dozen cans of grated cheese at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce on or about September 26, 1936, by Italian Cheese Co., Inc., from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Icco Brand Grated Cheese Icco is a blend of Italian Parmesan and other part skim cheese * * * Net Weight 1½ Oz."

It was alleged to be adulterated in that a substance which contained added skim milk solids and a portion of which also contained added starch had been mixed and packed with it so as to reduce or lower its quality or strength and had substituted wholly or in part for grated cheese, which it purported to be.

It was alleged to be misbranded in that the statements, (can) "Grated Cheese * * * Net Weight 1 1/2 Oz." and (carton) "Italian Grated Cheese," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight, that contained dried skim milk, and a portion of which contained added starch. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, grated cheese, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On December 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29880. Alleged misbranding of salad oil. U. S. v. 374 1/2 Cases of Salad Oil (and 2 other seizure actions against the same product). Tried to the court. Judgment for claimant. Libels ordered dismissed. (F. & D. Nos. 33033, 34203, 34204. Sample Nos. 70411-A, 17081-B to 17084-B, inclusive.)

On July 2 and October 29, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 374 1/2 cases, each containing 6 gallon cans of oil at Newark, N. J., 484 gallon cans and 22 half-gallon cans of oil at Plainfield, N. J., and 322 gallon cans and 130 half-gallon cans of oil at Elizabeth, N. J.; alleging that the article had been shipped in interstate commerce within the period from on or about May 22, 1934, to on or about September 12, 1934, by Van Camp Oil Products Co. from Louisville, Ky., to Newark, N. J., and that portions had been reshipped subsequently to Plainfield and Elizabeth, N. J.; and charging that the article was misbranded in violation of the Food and Drugs Act.

The libels alleged that the article was misbranded in that the brand name "Contadina" (Italian for woman farmer), the words "Oil Superior Quality," the design of a woman in foreign garb presumably gathering olives from a tree, and the statement "Olio per tavola o cucina" appearing on the label, were misleading and tended to deceive and mislead the purchaser in that they created the impression that the article was imported olive oil; whereas it consisted of domestic cottonseed oil. It was alleged to be misbranded further in that it purported to be a foreign product when not so.

The Van Camp Oil Products Co. and Durkee Famous Foods, Inc., intervening as manufacturers, and the consignees, intervening as owners and claimants, filed answers denying the misbranding charges and subsequently filed exceptions to the libels. On November 30, 1938, the Government having filed exceptions to the claimants' answers, the cases came on for hearing on the pleadings and proofs, and the following findings of fact and conclusions of law in favor of the respective claimants were made:

FAKE, *District Judge.* "It is conceded that the cans or containers marked Exhibits G-1, G-2, and G-3 are all used in the vending of cottonseed oil and not in the vending of olive oil.

"An examination of Exhibit G-1 discloses the following language on the front of the tin: 'Contadina Brand Oil Superior Quality Pure Vegetable Oil One Gallon'; and the like appears on the back of the can. On one side of the can the following words appear: 'Oil For Salads, Mayonnaise And Cooking.' On the other side, the following words appear: 'Olio per Tavola o Cucina,' which interpreted is 'Oil for table and cooking.' On the bottom of one of the sides appears: 'Van Camp Oil Products Co., Louisville, Kentucky.'

"Exhibits G-2 contains on the front and back thereof the same words and picture as that shown on Exhibit G-1, except that at the bottom of the front and back of the tin the following words appear: 'Pure Refined Winter Pressed Cottonseed Oil.' The wording on the sides of this tin or container is the same as that shown on Exhibit G-1.

"Exhibit G-3 is not involved in the seizure but is introduced in evidence for the purpose of showing that the respondent has changed its label. I do not believe it is material to the issue now before me, and that exhibit will therefore be stricken out." (Exhibit G-3 stricken out.)

Mr. STANZIALE. "May I just call this fact to your Honor's attention, for the purpose of the record?"

THE COURT. "Yes."

Mr. STANZIALE. "It has no marking under the Italian words of 'Olio per Tavola o Cucina.'"

THE COURT. "I find the ultimate facts in favor of the respondent in that the salad oil in question is not represented by the label to be an olive oil, and nothing in the picture which is shown on each of the exhibits can possibly lead to the conclusion that olive oil is contained in the can."

"In arriving at this conclusion I am following the opinion of my colleague, Judge Forman, in 16 Federal Supplement 387 and the opinion of Judge Dickinson sitting in the Eastern District of Pennsylvania in the case of the United States of America against 20 cases of salad oil."

CONCLUSIONS OF LAW

"The labels set forth and complained of in the libel are not in violation of the provisions of the Food and Drugs Act."

"The libel will be dismissed."

On December 1, 1938, decrees were entered ordering the libels dismissed and the goods delivered to the claimants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29881. Adulteration of crab apples. U. S. v. 18 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 44058. Sample No. 33357-D.)

This product was contaminated with arsenic and lead.

On September 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bushels of crab apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 12, 1938, by Heidema Bros. from Holland, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Floyd M. Loomis Fennville, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29882. Adulteration of walnut meats. U. S. v. 16 Cases and 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. Nos. 44265, 44266. Sample Nos. 30511-D, 30512-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be wormy.

On November 5, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of walnut meats at Pocatello, Idaho; alleging that the article had been shipped on or about March 25, 1938, by Glaser Nut Shelling Co. from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29883. Adulteration of walnut meats. U. S. v. 15 Boxes of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 44287. Sample No. 43223-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-infested.

On November 7, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 15 boxes of walnut meats at Klamath Falls, Oreg.; alleging that the article had been shipped on or about October 27, 1938, by Sunset Nut Shelling Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29884. Adulteration of Pignoli nuts. U. S. v. 9½ Dozen Jars of Pignoli Nuts. Default decree of condemnation and destruction. (F. & D. No. 44051. Sample No. 26993-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 3, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ dozen jars of Pignoli nuts at New Haven, Conn.; alleging that the article had been shipped on or about September 12, 1938, by the Goodman Packing [Products] Corporation from Brooklyn, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Paradise Brand Pignoli."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29885. Adulteration of tomato catsup. U. S. v. 202 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. No. 44177. Sample No. 42918-D.)

This product contained excessive mold.

On October 17, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 cases of catsup at Kane, Pa.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, by Farm King Packing Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Handy Brand Pure Fancy Catsup."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29886. Adulteration of powdered flavor. U. S. v. 4 Drums of Casco Flavor. Default decree of condemnation and destruction. (F. & D. No. 44036. Sample No. 38255-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 29, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of Casco flavor at San Antonio, Tex.; alleging that the article had been shipped on or about July 30, 1938, by Chapman & Smith Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rolling Pin Brand Casco Flavor a Powdered Flavor."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29887. Adulteration of apple butter. U. S. v. 78 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 43831. Sample No. 26676-D.)

Samples of this product were found to contain rodent hairs, mites, and insect fragments.

On September 10, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of apple butter at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 12, 1938, by Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Virginia Superior Quality Pure Apple Butter."

It was alleged to be adulterated in that it was insect-infested and contained a filthy vegetable substance.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29888. Adulteration and misbranding of Cheddar cheese. U. S. v. Paul R. Smith (Center Dairy Products, Paul R. Smith Creamery). Plea of guilty. Fine, \$100. (F. & D. No. 42582. Sample Nos. 2799-D, 19016-D, 19034-D, 27326-D.)

This product contained excessive moisture, and one portion was deficient in fat.

On December 8, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul R. Smith, trading under his own name and as Center Dairy Products and as the Paul R. Smith Creamery, Center, Colo., alleging that within the period from on or about February 19 to on or about April 12, 1938, the defendant shipped from the State of Colorado into the States of Arizona and New Mexico, quantities of cheese which was adulterated in violation of the Food and Drugs Act. The information alleged further that on or about January 29, 1938, the defendant sold a quantity of cheese under a guaranty that the product complied with the Food and Drugs Act; that on March 1, 1938, the said cheese, in the identical condition as when so sold and guaranteed, was shipped from the State of Colorado into the State of Wyoming, and that it was adulterated and misbranded in violation of said act. The article was labeled in part: "Full No. 1 Cream Fancy Full Cream Cheese"; or "Full No. 1 Cream."

It was alleged to be adulterated in that a substance containing moisture in excess of the amount contained in full cream cheese and one lot containing less fat than is contained in full cream cheese, had been substituted for full cream cheese, which it purported to be.

A portion was alleged to be misbranded in that the statement "Full No. 1 Cream," borne on the label, was false and misleading and was borne on said label so as to deceive and mislead the purchaser, since it represented that the article consisted of full cream cheese; whereas it consisted of a substance which contained less fat and more moisture than full cream cheese; it was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, full cream cheese.

On December 12, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29889. Adulteration and misbranding of flour. U. S. v. 8 Bags of Flour, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 43493, 43524, 43542, 43543, 43544, 43545, 43679, 43760, 43761. Sample Nos. 23702-D, to 23706-D, inclusive, 38072-D, 38085-D, 38372-D, 49621-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. Moreover, a portion was bleached, but that fact was not declared on the label.

Between the dates of August 26 and September 14, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and

condemnation of 8 sacks of flour at Baton Rouge, La., 277 bags at Morgan City, La., 143 bags at Plaquemine, La., and 24 bags of the same product at Lockport, La.; alleging that the article had been shipped in interstate commerce between the dates of September 8, 1937, and August 10, 1938, by the Larabee Flour Mills Co., one portion from Clinton, Mo., a second from Kansas City, Mo., and a third portion from Hutchinson, Kans.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Larabee's * * * High Top Flour * * * Bleached"; "Aetna Silk High Patent Flour Manufactured By The Aetna Mills, Wellington, Kans., Bleached"; and "Red Ball Flour Bleached * * * Mfg. for the Consolidated Companies, Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

A portion of the article was alleged to be misbranded in that the statement "flour" was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached; and in that it was labeled so as to deceive or mislead the purchaser since the label failed to bear a conspicuous declaration of the fact that it was bleached.

On November 5 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29890. Adulteration of frozen whole eggs. U. S. v. 300 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be denatured or destroyed. (F. & D. No. 44304. Sample No. 12130-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be in part decomposed.

On November 7, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cans of frozen whole eggs at Jersey City, N. J.; alleging that the article had been shipped on or about May 31, 1938, by Henningsen Bros., Inc., from Fort Worth, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 12, 1938, Henningsen Bros., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the decomposed eggs be destroyed, or denatured so that they could not be used for food.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29891. Adulteration of hominy grits. U. S. v. 220 Bags of Hominy Grits (and 2 other seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 43469, 43470, 43490, 43491, 43560. Sample Nos. 38017-D, 38018-D, 38081-D, 38082-D, 38210-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested.

On August 25 and 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 272 bags of hominy grits in various lots at Baton Rouge, New Roads, and New Orleans, La.; alleging that the article had been shipped within the period from on or about July 6, 1938, to on or about August 11, 1938, by Quaker Oats Co., in part from St. Joseph, Mo., and in part from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Jemima Hominy Grits."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29892. Adulteration of shelled pecans. U. S. v. 4 Barrels of Shelled Pecans. Consent decree of condemnation. Product released under bond. (F. & D. No. 43357. Sample No. 24705-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be moldy, wormy, and dirty.

On August 25, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four barrels of shelled pecans at Decatur, Ill.; alleging that the article had been shipped on or about June 15, 1938, by the R. E. Funsten Co. from St. Louis, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Funsten's King Topper Pecan Halves."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On September 13, 1938, the Purity Baking Co., Decatur, Ill., having appeared as claimant, judgment of condemnation was entered and that the product was ordered released under bond conditioned that it be sorted and the unfit portion destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29893. Adulteration of canned shrimp. U. S. v. 20 Dozen Cans and 24 Cases of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. Nos. 44004, 44024. Sample Nos. 24969-D, 24977-D.)

This product was in whole or in part decomposed.

On or about October 1 and 3, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 dozen cans and 24 cases of canned shrimp at Tampa, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about August 13, 1938, to on or about August 29, 1938, by the J. H. Pelham Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Seakist Brand Fancy Medium Shrimp * * * Packed By The J. H. Pelham Co. Pascagoula Miss." The remainder was labeled: "Fresh Sea Brand Small Shrimp * * * Distributed by Gulf Coast Sales Co. New Orleans, La."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On November 17 and 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29894. Adulteration of apples. U. S. v. 19 Crates of Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 44607. Sample No. 54004-D.)

This product was contaminated with arsenic and lead.

On or about December 2, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 crates of apples at South Bend, Ind.; alleging that the article had been shipped in interstate commerce on or about November 16, 1938, from Eau Claire, Mich., by John Redmond and Frank Wallace to themselves at South Bend, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 15, 1938, Redmond and Wallace, South Bend, Ind., having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the poisonous and deleterious ingredients be removed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29895. Adulteration and misbranding of flour. U. S. v. 453 Bags of Flour (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43464, 43465, 43466, 43617, 43618, 43620. Sample Nos. 23711-D, 23715-D, 23718-D, 38084-D, 38202-D, 38203-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to

be insect-infested. All lots were bleached but in one lot the label failed to declare that fact and in another lot it was inconspicuously declared.

On August 25 and September 1 and 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 453 bags of flour at Baton Rouge, La., 119 bags at Morgan City La., and 139 bags of the same product at New Iberia, La.; alleging that the article had been shipped in interstate commerce between the dates of January 11 and May 30, 1938, by the Burrus Mill & Elevator Co. from Fort Worth, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously in part: "White Dove Flour," "Sally Ann Flour," or "Light Crust Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance. A portion was alleged to be adulterated further in that bleached flour had been substituted wholly or in part for the article.

A portion was alleged to be misbranded in that the statement "flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour.

On November 5 and 9, 1938, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29896. Adulteration of frozen shrimp. U. S. v. Charles F. Kraus (C. F. Kraus).
Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42592. Sample No. 14333-D.)

This product was decomposed.

On or about October 25, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles F. Kraus, trading as C. F. Kraus, Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 8, 1938, from the State of Massachusetts into the State of Maryland, of a quantity of frozen shrimp that was adulterated.

The article was alleged to be adulterated in that it consisted wholly of a decomposed animal substance.

On December 5, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29897. Misbranding of canned peas. U. S. v. 71 Cases of Canned Peas. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42297. Sample No. 12312-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 5, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 cases of canned peas at Amsterdam, N. Y.; alleging that the article had been shipped in interstate commerce on or about January 19, 1938, by New Oxford Canning Co. from New Oxford, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nu-Ox-Co Brand * * * Early June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution on condition that it be used by such institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29898. Adulteration of canned tomato paste. U. S. v. Page's Gold Medal Canning Co., Inc. Plea of guilty. Fine, \$150 on each of 3 counts: payment suspended on all counts but first. (F. & D. No. 42548. Sample Nos. 1227-D, 9981-D, 9988-D, 22423-D.)

This product contained excessive mold.

On August 8, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Page's Gold Medal Canning Co., Inc., Albion, N. Y., alleging shipment by said company on or about December 30, 1937, and January 27 and March 2, 1938, from the State of New York into the States of Pennsylvania and Ohio, of quantities of canned tomato paste which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Italian Style with Sweet Basil Tomato Paste."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On November 10, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$150 on each of 3 counts, but suspended payment on all counts but count 1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29899. Adulteration and misbranding of flour. *U. S. v. 39 Bags of Flour (and 8 seizure actions against the same product). Default decrees of condemnation and destruction.* (F. & D. Nos. 43523, 43607, 43612, 43613, 43639, 43700, 43701, 43851, 43963, 44035. Sample Nos. 23701-D, 23708-D, 23709-D, 23717-D, 38092-D, 38153-D, 38156-D, 38217-D, 49623-D, 49624-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested. Certain lots failed to bear a conspicuous declaration showing that they were bleached and also failed to bear a plain and conspicuous statement of the quantity of contents.

On various dates between September 2 and 28, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 202 bags of flour at Morgan City, La., 222 bags at Baton Rouge, La., 165 bags at Lockport, La., and 1,130 bags of flour at Pensacola, Fla.; alleging that the article had been shipped within the period from on or about February 23 to on or about July 30, 1938, by General Mills, Inc., a portion from Oklahoma City, Okla., and a portion from Mobile, Ala.; and charging adulteration of all lots, and misbranding of a portion, in violation of the Food and Drugs Act. The article was variously labeled in part: "Washburn's Gold Medal Flour"; "White Flyer Flour"; "Red Stick Flour Pkd. For Consolidated Companies Plaquemine, La.;" "Gold Medal Superlative Flour"; "White Flake Self-Rising Flour Southwide Flour Company Distributor Atlanta Georgia"; "Fast Flyer Flour * * * Gold Medal Flour Company of Oklahoma of General Mills, Inc.;" "Full Strength Washburn Crosby Flour"; "Fast Flyer Flour Prudential Milling Co. Distributor."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

A portion was alleged to be misbranded in that the prominent statement "Flour," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached, the statement "Bleached" being so inconspicuously placed as to be illegible. The said portion was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 8, 9, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29900. Adulteration and misbranding of lime mixer. *U. S. v. 16 Cases of Booth's Lime Mixer. Default decree of condemnation and destruction.* (F. & D. No. 44046. Sample No. 41683-D.)

This product was labeled to indicate that it contained a substantial proportion of lime juice; whereas it contained little or none.

On September 30, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of Booth's lime mixer at Wildwood, N. J.; alleging that the article had been shipped in interstate commerce on or about August 16 and 24, 1938, by Booth Bottling Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Lime Mixer A Sparkling Beverage Flavored with Natural Oil of Limes Containing added Sugar and Citric Fruit acid carbonated."

It was alleged to be adulterated in that citric acid, lime oil, and little, if any, fruit juice had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and had been substituted wholly or in part for it.

It was alleged to be misbranded in that the statement "Lime Mixer" was false and misleading and tended to deceive and mislead the purchaser when applied to the article.

On December 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29901. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44496. Sample No. 44769-D.)

This product contained less than 80 percent of milk fat.

On December 5, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 13, 1938, the Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29902. Misbranding of cottonseed meal. U. S. v. Honey Grove Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 40822. Sample No. 663-C.)

This product contained less protein and more fiber than declared.

On April 29, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Honey Grove Cotton Oil Co., a corporation, Honey Grove, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about September 23, 1937, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Superior Quality * * * Superior Cake & Meal Co. * * * Kansas City Mo."

It was alleged to be misbranded in that the statements "Protein, not less than 43%" and "Crude Fibre, not more than 12%" were false and misleading since it contained less than 43 percent, i. e., not more than 39.50 percent, of protein, and more than 12 percent, i. e., not less than 15.35 percent, of crude fiber.

On December 12, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29903. Misbranding of butter. U. S. v. Chesapeake Creameries, Inc. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 42617. Sample No. 33849-D.)

This product was short of the declared weight.

On November 18, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chesapeake Creameries, Inc., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 27, 1938, from the State of Maryland into the District of Columbia of a quantity of butter which was misbranded.

The article was alleged to be misbranded in that the statements, (carton) "One Pound Net Weight" and (wrapper) "1 lb. Net Weight," were false and misleading and tended to deceive and mislead the purchaser, since each of

said cartons and wrappers did not contain 1 pound net weight but did contain a less amount; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages.

On December 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29904. Misbranding of cottonseed screenings. *U. S. v. John J. Culbertson, Jr., John S. LeClercq, Jr., and John J. Culbertson III (Prairie Cotton Oil Co.). Pleas of guilty. Fine, \$150 and costs.* (F. & D. No. 40820. Sample Nos. 665-C, 4144-D.)

This product contained less protein and a portion contained more fiber than was declared on the label.

On June 7, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Culbertson, Jr., John S. LeClercq, Jr., and John J. Culbertson III, trustees in a declaration of trust for the Prairie Cotton Oil Co., trading at Chickasha, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, in part on or about October 15, 1937, and in part on or about November 26, 1937, from the State of Oklahoma into the State of Kansas of quantities of cottonseed screenings that were misbranded. A portion was labeled: "43 Percent Cotton Seed Cake or Meal Prairie Cotton Oil Company." The remainder was labeled: "Army Brand Prime Quality 43% Protein Cottonseed Cake and Meal Manufactured For and Guaranteed by Louis Tobian & Company, Dallas, Texas."

The article was alleged to be misbranded in that the statements on the labels of a portion, "Protein not less than 43 per cent * * * Crude Fiber, not more than 10 per cent," and on those of the remainder, "43% Protein, * * * Crude Protein, not less than 43.00%," were false and misleading since the article contained less than 43 percent of protein and a portion contained more than 10 percent of crude fiber.

On November 14, 1938, the defendants entered pleas of guilty and the court imposed a fine of \$150 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29905. Adulteration of butter. *U. S. v. Chesapeake Creameries, Inc. Plea of guilty. Fine, \$10 and costs.* (F. & D. No. 40800. Sample Nos. 57105-C, 57106-C, 57139-C.)

This product contained less than 80 percent of milk fat.

On June 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chesapeake Creameries, Inc., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 12, 13, and 15, 1937, from the State of Maryland into the State of New York of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

On December 15, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29906. Adulteration of butter. *U. S. v. Jesse G. Nichols and Burton F. Bentley (Gilt Edge Creamery). Pleas of guilty. Fine, \$25 and costs.* (F. & D. No. 42542. Sample No. 8519-D.)

This product contained less than 80 percent of milk fat.

On December 6, 1938, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jesse G. Nichols and Burton F. Bentley, copartners, trading as the Gilt Edge Creamery at Plainfield, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 13, 1938, from the State of Iowa into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for

butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923, which it purported to be.

On December 7, 1938, the defendants having entered pleas of guilty, the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29907. Adulteration and misbranding of mixers. **U. S. v. 33 Gallon Jugs labeled in part, "Seal Brand Contains Lemon Flavor"; and 27 Gallon Jugs labeled in part, "The Perfect Mixer Blended with 100% Pure Lemon."** **Default decree of condemnation and destruction.** (F. & D. Nos. 44107, 44108. Sample Nos. 26266-D, 26267-D.)

These products were labeled to indicate that they contained substantial amounts of lemon juice; whereas they consisted of artificially colored solutions of citric acid flavored with lemon oil and containing little, if any, lemon juice.

On October 11, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 gallon jugs of lemon mixers at Long Island, N. Y.; alleging that the articles had been shipped in interstate commerce in various shipments on or about August 25 and 30, and September 6 and 8, 1938, by Pristine Products, Inc., from Carlstadt, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Original Quality Cracker Co. * * * Long Island City, N. Y."

They were alleged to be adulterated in that an imitation lemon juice, consisting of an artificially colored solution of citric acid flavored with lemon oil and which contained little, if any, lemon juice, had been commingled with them so as to reduce or lower their quality and strength.

Misbranding was alleged in that the statement "100% Pure Lemon," on the label of one lot, was false and misleading and tended to deceive and mislead the purchaser.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29908. Adulteration of grits and flour. **U. S. v. 138 Sacks of Grits (and 1 similar seizure action).** **Default decrees of condemnation and destruction.** (F. & D. Nos. 43633, 43634, 43698, 43699. Sample Nos. 37707-D, 37708-D, 36215-D, 38216-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On September 2 and 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 138 sacks of grits at Baton Rouge, La., and 358 bags of flour at Thibodaux, La.; alleging that the articles had been shipped within the period from on or about July 2, 1938, to on or about August 9, 1938, by Houston Milling Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The grits were labeled in part: "American Made Fancy Hominy Grits." The flour was labeled: "Red Bird Hard Wheat Flour" or "American Maid Monogram Flour."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29909. Misbranding of canned peas. **U. S. v. 85 Cartons of Canned Peas.** **Default decree of condemnation. Product ordered delivered to a public charitable institution.** (F. & D. No. 42165. Sample No. 12286-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 12, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 cartons of canned peas at Schenectady, N. Y.; alleging that the article had been shipped in inter-

state commerce on or about March 7, 1938, by Wm. Silver & Co. from New Oxford, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nu-Ox-Co Brand Ungraded Early June Peas, Packed by New Oxford Canning Co. New Oxford, Pa."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public charitable institution for use, but not for sale.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29910. Adulteration of scallops. U. S. v. 3 Barrels of Scallops. Default decree of condemnation and destruction. (F. & D. No. 41555. Sample No. 44667-D.)

Examination of this product disclosed the presence of added water.

On November 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 9, 1938, by the M. B. Davis Scallop Co. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with and substituted in part for scallops.

On December 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29911. Adulteration of tomato catsup. U. S. v. 174 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. No. 44225. Sample No. 42927-D.)

This product contained excessive mold.

On October 25, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 cases of catsup at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 2, 1938, by the Farm King Packing Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Farm King Tomato Catsup."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On December 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29912. Misbranding of canned peas. U. S. v. 49 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42441. Sample No. 12627-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 23, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned peas at Albany, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 21, 1938, by A. W. Sisk & Son from Lineboro, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sky Chief Brand Early June Peas * * * Packed by Lineboro Canning Company, Inc., Lineboro, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29913. Misbranding of canned cherries. U. S. v. 1,067 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44250. Sample No. 10446-D.)

This product was substandard because the fruit was not pitted since there was present more than 1 cherry pit per each 20 ounces of net contents, and it was not labeled to indicate that it was substandard.

On or about November 4, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,067 cases of canned cherries at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by the Huber Packing Co. from Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Midfield Brand Water Pack R. S. P. Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since there was present in each can more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 9, 1938, Huber Packing Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29914. Adulteration of scallops. U. S. v. 1 Barrel (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44450, 44535, 44536. Sample Nos. 44675-D, 44681-D, 44682-D.)

This product contained added water.

On November 21, 23, and 25, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of five barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about November 14, 17, and 19, 1938, by the Fort Myers Sea Food Co. from Fort Myers, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29915. Adulteration of scallops. U. S. v. 3 Barrels (and 6 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44391 to 44396, inclusive, 44449. Sample Nos. 13059-D, 13060-D, 44661-D, 44662-D, 44665-D, 44666-D, 44673-D.)

This product contained added water.

On November 15, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 7, 8, 9, and 15, 1938, by Stansbury Bros. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 9 and 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29916. Adulteration of ocean perch fillets. U. S. v. 362 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 44247. Sample No. 34704-D.)

This product contained parasites.

On October 27, 1938, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 boxes of ocean perch fillets at Charleston, W. Va.; alleging that the article had been shipped in interstate commerce on or about September 15, 1938, by Commonwealth Ice & Cold Storage from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Layer-Pack Gorton's Ocean Perch Fillets Gorton-Pew Fisheries Co. Ltd. Gloucester, Mass."

It was alleged to be adulterated in that it contained parasites and consisted wholly or in part of a filthy animal substance.

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29917. Adulteration of apples. U. S. v. 202 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44491. Sample No. 46019-D.)

This product was contaminated with arsenic and lead.

On November 7, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 crates of apples at Fort Wayne, Ind.; alleging that the article had been shipped in interstate commerce on or about October 31, 1938, from South Haven, Mich., by Bernstein Bros. to themselves at Fort Wayne, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 10, 1938, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29918. Adulteration and misbranding of butter. U. S. v. 55 Boxes and 44 Boxes of Butter. Consolidated decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 44521, 44522. Sample Nos. 41646-D, 41648-D.)

This case involved butter which contained less than 80 percent by weight of milk fat.

On December 8, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading.

On December 9, 1938, C. J. Heyd & Co. having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29919. Adulteration of scallops. U. S. v. 1 Barrel of Scallops. Default decree of condemnation and destruction. (F. & D. No. 44410. Sample No. 44668-D.)

This product contained added water.

On November 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 14, 1938, by Holmes & Co. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29020. Adulteration of scallops. U. S. v. 1 Barrel of Scallops (and 5 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 44411, 44412, 44413, 44451, 44460, 44461. Sample Nos. 44670-D, 44671-D, 44672-D, 44676-D, 44679-D, 44683-D.)

This product contained added water.

On November 17, 21, 23, and 25, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of nine barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce in various shipments on or about November 12, 16, 17, and 19, 1938, by Holmes Fish Co. from Millville, Fla. (Panama City, Fla.); and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29021. Adulteration of scallops. U. S. v. 6 Barrels of Scallops (and 2 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 44414, 44452, 44453. Sample Nos. 44669-D, 44677-D, 44680-D.)

This product contained added water.

On November 17, 21, and 23, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 12, 16, and 17, 1938, by the M. B. Davis Scallop Co. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29022. Adulteration of tomato ketchup. U. S. v. 13 Cases of Tomato Ketchup (and 1 other seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 42946, 43050. Sample Nos. 10135-D to 10137-D, inclusive, 10213-D.)

This product contained excessive mold.

On or about June 22 and July 15, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 282 cases of tomato ketchup at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce in part on or about March 13 and June 15, 1938, by Curtice Bros. Co. from Rochester, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Label Ketchup Made from fresh ripe Tomatoes."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 14, 1938, no claimant having appeared, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29023. Misbranding of peanut butter. U. S. v. Denison Peanut Co., Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 42561. Sample No. 15872-D.)

This product was short of the declared weight.

On September 2, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Denison Peanut Co., Inc., Denison, Tex., alleging shipment by said company on or about March 19 and April 1, 1938,

from the State of Texas into the State of Oklahoma, of quantities of peanut butter that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Natures Best Select Quality Peanut Butter Contents 1 Lb. 8 Ozs."

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 8 Ozs," borne on the jar labels, was false and misleading and tended to deceive and mislead the purchaser since the jars did not contain 1 pound 8 ounces but did contain a less amount; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1938, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29924. Adulteration of dried prunes. U. S. v. 15 Cases and 18 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 43676. Sample No. 27573-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 2, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of prunes at Amarillo, Tex.; alleging that the article had been shipped on or about March 25, 1938, by the California Packing Corporation from Fresno, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Calpack Fruits * * * Comet Brand * * * Prunes."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance, since it was insect-infested.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29925. Misbranding of cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$75. (F. & D. No. 42557. Sample No. 4148-D.)

This product contained less protein than declared on the label.

On September 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rule-Jayton Cotton Oil Co., a corporation, Rule, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about February 4, 1938, from the State of Texas into the State of Kansas of a quantity of cottonseed cake that was misbranded.

The article was alleged to be misbranded in that the statement "Crude Protein, not less than 43%," borne on the tag, was false and misleading and was borne on the said tag so as to deceive and mislead the purchaser since the article contained less than 43 percent crude protein.

On October 3, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29926. Adulteration and misbranding of olive oil. U. S. v. P. Esposito & Bro., Inc., and Pietro Esposito. Pleas of guilty. Fine against corporation of \$19, which was remitted. Individual fined \$200 on count 1. Sentence suspended on remaining counts and the defendant placed on probation for 1 year. (F. & D. Nos. 33827, 33987. Sample Nos. 7933-A, 43072-A, 52105-A, 52138-A, 66225-A, 66238-A, 67406-A, 67425-A, 67448-A.)

This product was labeled to indicate that it was Italian olive oil, whereas it consisted partially of domestic cottonseed oil. Certain lots were short of the declared volume.

On August 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against P. Esposito & Bros., Inc., and Pietro Esposito, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about September 25, 1933, to on or about January 25, 1934, from the State of New York in part into the State of New Jersey, and in part into the State of Connecticut, of quantities of alleged olive oil that was adulterated and misbranded. The article was labeled in part: "La Gloriosa Brand * * * La Gloriosa Pack-

ing Co., P. E. & B., Inc." The label bore the statement "Composed of eighty-five per cent choice salad oil and fifteen per cent Lucca Olive Oil," the words "Lucca Olive Oil" being larger and more conspicuous than the remainder of the statement.

The article was alleged to be adulterated in that added cottonseed oil—and in one lot—added peanut oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality; and in that a mixture of olive oil and cottonseed oil—in one lot, peanut oil—and consisting almost wholly of domestic cottonseed oil or peanut oil, had been substituted for olive oil, which it purported to be.

The article was alleged to be misbranded in that the statements "Lucca Olive Oil" and "Olio D'Oliva Di Lucca" in large conspicuous type, not followed or preceded by any negative statement in as large and conspicuous type, and the statements, "Olio Finissimo, La Gloriosa Brand Premiato All' Esposizione Di Roma Italia 1924" in Italian, and the equivalent of the said statements in English in large conspicuous type, together with designs of olive branches, crowns, and the Italian national colors and medals, borne on the cans, were false and misleading, and were borne on the cans so as to deceive and mislead the purchaser, in that they represented that the article was olive oil produced in and imported from Italy; whereas it was not olive oil produced in and imported from Italy, but was a product consisting almost wholly of domestic cottonseed oil, with some peanut oil present in one lot. It was alleged to be misbranded further in that it was an imitation of another article, namely, olive oil. The article in certain lots was alleged to be misbranded further in that the statement "One Gallon Net," borne on the cans, was false and misleading and was borne thereon so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon net; and it was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than declared.

On December 5, 1938, pleas of guilty were entered on behalf of the defendants. On December 12, 1938, the court imposed and remitted a fine of \$19 on the corporation, imposed a fine on the individual defendant of \$200 on the first count and suspended imposition of sentence on the remaining 18 counts, and placed the defendant on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29927. Adulteration and misbranding of olive oil. U. S. v. Import Oil Corporation and John Esposito. Pleas of guilty. Corporation fined \$1,200. John Esposito fined \$600, sentenced to imprisonment for 60 days, and placed on probation for 3 years. (F. & D. No. 36087. Sample Nos. 36243-B, 36250-B.)

This product was represented to be imported olive oil, but consisted of oil or oils other than olive oil which was artificially flavored and in some lots was artificially colored. It also was short of the declared volume.

On June 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Import Oil Corporation, New York, N. Y., and John Esposito, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 13, 1935, from the State of New York into the State of Rhode Island of quantities of so-called olive oil which was adulterated and misbranded. The article was labeled in part, "Berino [or "Lora"] Brand."

Adulteration was alleged in that a substance, namely, oil other than olive oil artificially flavored and a part of which was artificially colored, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged in that the following statements on the can labels (Berino brand) "Italian Product Sublime Olive Oil Berino Brand Lucca-Italia * * * The Purity Of This Olive Oil Is Guaranteed Under Chemical Analysis And We Recommend It For Table And Medicinal Uses," (impressed in can) "Imported From Italy," (Lora brand) "Superfine Olive Oil Extra Quality Lora Brand Imported From Italy * * * First Pressing Cream Olive Oil Highly Recommended For Table And Medicinal Use * * * Il Contenuto Di Questa E Garentito Olio D'Oliva Assolutamente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale," (impressed in can) "Imported From Italy," together with the designs of olive branches bearing the ripened fruit on the main panel of the cans, and the design of olive branches

on the side panels, were false and misleading and by reason of the said statements and designs the article was labeled so as to deceive and mislead the purchaser in that they represented that the article consisted wholly of olive oil produced in and imported from Italy; whereas it was not such a product but was a domestic product consisting of oil other than olive oil, artificially flavored and a part of which was artificially colored. The article was alleged to be misbranded further in that the statement "net contents 1 gallon," borne on the label, was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser since the contents of each of the cans examined was less than 1 gallon. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, olive oil; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the cans, since the amount actually contained in the can was not stated on the outside thereof.

On December 6, 1938, pleas of guilty were entered on behalf of the defendants. On December 14, 1938, the court imposed a fine of \$1,200 against the corporation. John Esposito also was fined \$600, sentenced to a term of imprisonment for 60 days, and placed on probation for a period of 3 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29923. Adulteration and misbranding of olive oil. U. S. v. Pietro Esposito (Itolo Olive Oil Co.) Plea of guilty. Fine, \$500. (F. & D. No. 36085. Sample Nos. 36245-B to 36249-B, inclusive.)

This product was represented to be imported olive oil, but consisted of oil or oils other than olive oil that was artificially flavored and in some lots was artificially colored. It was also short of the declared volume.

On June 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Pietro Esposito, trading as the Itolo Olive Oil Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 13, 1935, from the State of New York into the State of Rhode Island, of quantities of so-called olive oil which was adulterated and misbranded, as the article was labeled in part, variously: "Lora Brand," "Italia Brand," "Acomo Fo Brand," or "Adriatic Star Brand."

The information alleged that the article was adulterated in that a substance, namely, oil other than olive oil, artificially flavored and a part of which was also artificially colored had been substituted for olive oil, which it purported to be.

Misbranding was alleged in that the following statements and designs borne on the labels were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that it consisted solely of olive oil produced in and imported from a foreign country, namely, Italy; whereas it was not such a product but was a domestic product consisting of oil other than olive oil, artificially flavored and a portion of which was also artificially colored: (Lora brand) "Super Fine Olive Oil Extra Quality Lora Brand Imported From Italy First Pressing Cream Olive Oil Highly Recommended For Table And Medicinal Use Il Contenuto Di Questa E. Garentito Olio D'Oliva Assolumente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale [design of olive branches bearing the ripened fruit and design representing an olive orchard]"; (portion of Italia brand) "Super Fine Olive Oil Imported Italia Brand Premiato In Tutte Le Esposizioni Europee First Pressing Cream Olive Oil Recommended Highly For Table And Medicinal Use [design of olive branches bearing ripened fruit and design purporting to be an Italian flag]"; (remainder of Italia brand) "Italia Brand Olio Puro D'Oliva Vergine Confezionato In Italia Impaccato Espressamente Per San Remo Olive Oil Co. Questo Olio D'Oliva E Carentito Assolutamente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale [design of olive branches bearing ripened fruit and design purporting to be Italian flag]"; (Acomo Fo brand) "Imported Products Sublime Olive Oil Acomo Fo Brand The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this

can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law [design of olive branches bearing ripened fruit]; (Adriatic Star brand) "Imported Virgin Olive Oil Adriatic Star Brand Adriatic Star Pure Olive Oil This Imported Olive Oil Is Guaranteed Both As To Full Measure, Absolute Purity, Superior Quality And Specially Adapted For Table And Medicinal Use Olio Di Oliva Garantito Assolutamente Puro Da Qualsiasi Analisi Chimica Cette Huile D'Olive Est Garantie Pure Et De Supérieure Qualité [design of olive branches bearing ripened fruit]"; (impressed on all cans) "Imported from Italy."

The article was alleged to be misbranded further in that the statement "net contents 1 gallon," borne on the can label, was false and misleading and by reason thereof it was labeled so as to deceive and mislead the purchaser since the contents of each of the cans examined, with one exception, was less than 1 gallon. The article was alleged to be misbranded further in that it consisted of oil other than olive oil, artificially flavored and a portion also artificially colored, was an imitation of another article, and was offered for sale under the distinctive name of another article, namely, olive oil. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the cans in that, with one exception, the amount actually contained in the cans was not stated on the outside thereof.

On December 5, 1938, the defendant entered a plea of guilty and on December 12, 1938, the court imposed a fine of \$500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29929. Adulteration of candy. U. S. v. 34 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43175. Sample No. 24546-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 2, 1938, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cartons of candy at Fort Smith, Ark., consigned by Joan Candy Co., Inc.; alleging that the article had been shipped on or about July 11, 1938, from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29930. Adulteration of ocean perch fillets or sea perch fillets. U. S. v. 1,300 Cartons of Sea Perch Fillets (and 2 similar seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 44159, 44160, 44161. Sample No. 37861-D.)

This product was infested with parasites.

On October 12 and 13, 1938, the United States attorneys for the Western and Northern Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following lots of sea perch fillets: 1,300 cartons at Dallas, Tex., 200 cartons at Fort Worth, Tex., and 300 cartons at San Antonio, Tex.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by Mid Central Fish Co. of Maine, from Portland, Maine; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On October 13, November 22, and December 10, 1938, the Mid Central Fish Co. having entered an appearance admitting the allegations of the libel filed at Dallas, Tex., and consenting to the entry of a decree and no claim having been entered in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29931. Adulteration of mixed nuts. U. S. v. 4 Boxes of Nuts (and 2 similar seizure actions). Default decree of condemnation and destruction. (F. & D. Nos. 43969, 43970, 43971. Sample Nos. 28675-D, 28676-D, 28677-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested.

On September 30, 1938, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 boxes of mixed nuts at Ontario, Oreg.; alleging that the article had been shipped within the period from on or about February 6, 1937, to on or about August 23, 1937, by Peanut Peter Nut Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29932. Adulteration of butter. U. S. v. 285 Tubs and 23 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked or denatured. (F. & D. Nos. 44433, 44448. Sample Nos. 32300-D, 45601-D.)

Samples of this product were found to contain less than 80 percent of milk fat and to contain added mineral oil.

On November 7 and 14, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 308 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about September 7 and 12, 1938, by Deer Creek Creamery Co. from Atchison, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923. It was alleged to be adulterated further in that mineral oil had been substituted in part for butterfat.

On December 7, 1938, the cases having been consolidated and the Deer Creek Creamery Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that it might be salvaged by denaturing or reworking under the supervision of this Department. The lots found to be deficient in milk fat only were reworked, and the lots found to contain mineral oil were denatured for soap grease.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29933. Adulteration of frozen eggs. U. S. v. 20 Cans and 8 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. & D. Nos. 44305, 44306. Sample No. 37055-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original package at the time of examination, was found to be in whole or in part decomposed.

On November 7, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cans of frozen eggs at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about October 8, 1938, by Hollywood Creamery Co. from Colorado Springs, Colo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29934. Adulteration of shelled pecans. U. S. v. 30 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. & D. No. 44431. Sample No. 35966-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be rancid and decomposed.

On November 28, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of shelled pecans at Boston, Mass.; alleging that the article had been shipped on or about December 2, 1937, by E. M. Zerr & Co., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On December 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29935. Adulteration of cream. U. S. v. 42 Cans of Cream. Consent decree of condemnation. Product ordered destroyed. (F. & D. No. 44097. Sample No. 36823-D.)

This product contained added mineral oil.

On October 7, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cans of cream at Atchison, Kans.; alleging that the article had been shipped in interstate commerce on or about October 3, 1938, by the Fairbury Produce Co. from Fairbury, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that mineral oil had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for it. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

On October 18, 1938, the consignee having admitted the allegations of the libel, and the product having been destroyed by the United States marshal, judgment of condemnation was entered and the action of the marshal was approved by the court.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29936. Adulteration of canned field peas with snaps. U. S. v. Shelmore Oyster Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 42535. Sample Nos. 761-D, 800-D, 10243-D.)

This product was infested with maggots.

On July 6, 1938, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Shelmore Oyster Products Co., a corporation, Charleston, S. C., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about October 20, 1937, and in part on or about November 9, 1937, from the State of South Carolina into the States of North Carolina and Florida, of quantities of a product labeled "Crystal Bay Brand Fresh Field Peas with Snaps," which was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance, namely, canned peas with snaps infested with maggots.

On October 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29937. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. No. 44404. Sample No. 50517-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On November 25, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of canned cherries

at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about October 19, 1938, by Producers Cooperative Packing Co., of Salem, Oreg., from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Royal Purple Pitted Red Sour Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 20, 1938, the Producers Cooperative Packing Co., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29938. Adulteration and misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 44228. Sample Nos. 32279-D, 32281-D.)

This product contained less than 80 percent of milk fat.

On October 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 15, 1938, by Blue Valley Creamery Co. from Watertown, S. Dak.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Blue Valley Butter."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29939. Adulteration and misbranding of Cheddar cheese. U. S. v. 29 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. & D. No. 44238. Sample No. 38398-D.)

This product was deficient in fat and contained excess moisture.

On October 26, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 boxes of Cheddar cheese at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about October 12, 1938, by South Texas Producers Association from Houston, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance deficient in fat and which contained excess moisture had been mixed and packed with it so as to reduce or lower its quality and had been substituted wholly or in part for full cream or whole milk cheese, which it purported to be.

It was alleged to be misbranded in that the statement on the label, "Full Cream," was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat and which contained excess moisture.

On November 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29940. Misbranding of canned tomatoes. U. S. v. 104 Cases and 26 Cases of Tomatoes. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 43889, 43890. Sample Nos. 29104-D, 29105-D.)

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On September 17, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed

in the district court libels praying seizure and condemnation of 130 cases of canned tomatoes at Augusta, Ga.; alleging that the article had been shipped in interstate commerce on or about July 16 and July 26, 1938, by Walter P. Rawl from Gilbert, S. C.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Carolina Brand Tomatoes * * * Packed By Gilbert Canning Company, Gilbert, S. C."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 28, 1938, Walter P. Rawl, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled to comply with the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29941. Adulteration and misbranding of cheese. U. S. v. 38 Cheeses. Default decree of condemnation and destruction. (F & D. No. 44214. Sample Nos. 38379-D, 38380-D, 38384-D.)

This product was deficient in fat and contained excessive moisture.

On October 21, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cheeses at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about October 9, 1938, by Devine Creamery from Devine, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance deficient in fat and which contained excessive moisture had been mixed and packed with it so as to reduce or lower its quality; and had been substituted wholly or in part for full cream or whole milk cheese, which it purported to be.

It was alleged to be misbranded in that the statement on the label, "Full No. 1 Cream," was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat and which contained excess moisture.

On November 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29942. Adulteration of chickens. U. S. v. 5 Barrels of Poultry. Default decree of condemnation and destruction. (F. & D. No. 44372. Sample No. 44108-D.)

Examination showed evidence of the presence of diseased conditions in this poultry.

On November 19, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of poultry at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 31, 1938, by Tracy Produce Co. from Tracy, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was the product of a diseased animal.

On December 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29943. Adulteration of almonds in shell. U. S. v. 306 Bags and 75 Bags of Almonds. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed nuts. (F. & D. No. 44320. Sample No. 36089-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be in part worm-infested and moldy.

On November 14, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 381 bags of almonds at New York, N. Y.; alleging that the article had been shipped on or about November 4, 1938, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds Crop 1938."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 21, 1938, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be denatured or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29944. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44546. Sample No. 44770-D.)

This product contained less than 80 percent of milk fat.

On December 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 4, 1938, by the Fairview Creamery Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 21, 1938, Carl Ahlers, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29945. Misbranding of canned cherries. U. S. v. 91 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 44322. Sample No. 30510-D.)

This product was substandard because it contained excess packing medium, and it was not labeled to indicate that it was substandard.

On November 16, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned cherries at Pocatello, Idaho; alleging that the article had been shipped in interstate commerce on or about January 22, 1938, by the National Fruit Canning Co. from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tastefull Brand Pitted Red Sour Cherries in water."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 13, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29946. Adulteration of canned oysters. U. S. v. 790 Cases of Dunbar Oysters. Default decree of condemnation and destruction. (F. & D. No. 44466. Sample No. 50145-D.)

This product was in part decomposed.

On December 3, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 790 cases of canned oysters at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about November 22, 1938, by Dunbar-Dukate Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29947. Misbranding of canned mackerel. U. S. v. 124 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44202. Sample No. 20325-D.)

This product was short of the declared weight.

On October 19, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of canned mackerel at Wilmington, N. C.; alleging that the article had been shipped in interstate commerce on or about September 28, 1938, by Coast Fishing Co. from Wilmington, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "King Solomon Brand Fancy Mackerel. Contents 1 Lb."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 3, 1938, Coast Fishing Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to show, "Net Weight 15 Ozs."

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29948. Adulteration of canned Crowder peas. U. S. v. 74 Cases of Peas. Default decree of condemnation and destruction. (F. & D. No. 43992. Sample No. 38377-D.)

This product was in whole or in part decomposed.

On September 21, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned peas at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, by Dorgan-McPhillips Packing Corporation from Laurel, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Fresh Crowder Peas. * * * Distributed by Dorgan-McPhillips Packing Corp * * * Mobile, Alabama."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29949. Misbranding of canned cherries. U. S. v. 119 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. No. 44456. Sample No. 31741-D.)

This product was substandard because of shortage in drained weight, and it was not labeled to indicate that it was substandard.

On December 2, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 cases of canned cherries at Erie, Pa.; alleging that the article had been shipped in interstate commerce on or about September 19, 1938, by Brocton Preserving Co., Inc., from Brocton, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue & White Brand Water Packed Red Sour Pitted Cherries * * * Red & White Corp'n. Distributors Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since there was a shortage in drained weight, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 27, 1938, the Brockton Preserving Co., claimant, having admitted the allegations of the libel, the court ordered the product released under bond to be relabeled in conformity with the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29950. Adulteration and misbranding of cocoa. U. S. v. 59 Cartons and 35 Cartons of Cocoa. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. & D. Nos. 43079, 43080. Sample No. 25595-D.)

Analysis of this product showed that it contained 12 percent of added gum, and the label failed to bear a statement of the quantity of contents.

On July 19, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 cartons, each containing a number of bags of cocoa, at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by Green Spot, Inc., from Los Angeles, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Green Spot Old English Cocoa with stabilizer added."

It was alleged to be adulterated in that added gum had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; in that a mixture of cocoa and gum had been substituted in whole or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the name "Old English Cocoa," appearing prominently on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting of approximately 88 percent of cocoa and 12 percent of added gum, and was not corrected by the less conspicuous statement "with stabilizer added," since stabilizers when added are ordinarily present in minute percentages; it was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1938, Green Spot, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked in correctly labeled containers.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29951. Adulteration of flour. U. S. v. 9 Bags and 29 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 43480, 43481. Sample Nos. 38015-D, 38016-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about March 14 and April 5, 1938, by the P. H. Postel Milling Co. from Mascoutah, Ill.; and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled, "Jack's Special Plain Flour"; and the remainder was labeled, "Jack's Special Self Rising Flour."

Adulteration was alleged in that the articles consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29952. Adulteration of flour. U. S. v. 10 Bags of Fleur. Default decree of condemnation and destruction. (F. & D. No. 44065. Sample No. 26147-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 5, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bags of flour at

Brooklyn, N. Y.; alleging that the article had been shipped on or about October 26, 1937, by the Lawrenceburg Roller Mills from Lawrenceburg, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated under the provisions of section 7, paragraph sixth, in the case of food, in that it was insect-infested.

On December 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29953. Adulteration of flour. U. S. v. 250 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44123. Sample No. 37789-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 11, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about July 2, 1938, by the Kansas Milling Co. from Wichita, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Fleurot Pointe a Pitre Golden Seal Flour Patente."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29954. Adulteration of flour. U. S. v. 100 Bags of Fleur. Default decree of condemnation and destruction. (F. & D. No. 44124. Sample No. 37790-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 11, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about August 6, 1938, by the Red Star Milling Co. from Wichita, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ares Flour The Red Star Milling Company (trade name) Southwest ern Division of General Mills, Inc."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29955. Adulteration of corn meal. U. S. v. 62 Sacks, et al., of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43640. Sample No. 38093-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 3 and 15, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 124 sacks of corn meal at Hammond, La.; alleging that the article had been shipped on or about August 23, 1938, by the Valley Mills from Jackson, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jax Fresh Ground Corn Meal."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On October 19 and November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29956. Adulteration of flour. U. S. v. 213 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43563. Sample No. 23716-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bags of flour at Morgan City, La.; alleging that the article had been shipped on or about June 14, 1938, by G. B. R. Smith Milling Co. from Sherman, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled "Sunlight Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29957. Adulteration of apples. U. S. v. 16 Bushels of Apples. Decree of condemnation and destruction. (F. & D. No. 44537. Sample No. 54023-D.)

This product was contaminated with arsenic and lead.

On November 26, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bushels of apples at Champaign, Ill.; alleging that the article had been shipped in interstate commerce on or about November 20, 1938, from Paw Paw, Mich., by Joseph Rueff to himself at Champaign, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients externally applied thereto, namely, arsenic and lead, in harmful quantities.

On December 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29958. Adulteration of pears. U. S. v. 19 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. No. 44255. Sample No. 33329-D.)

This product was contaminated with arsenic and lead.

On September 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 6, 1938, by C. P. Williamson from South Haven, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29959. Adulteration of apples. U. S. v. 52 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44497. Sample No. 54024-D.)

This product was contaminated with arsenic and lead.

On November 28, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 crates of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about November 21, 1938, from Kent County, Mich., by William Zimmerman to himself at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 1, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29960. Adulteration of apples. U. S. v. 80 Crates of Apples. Default decree of condemnation and destruction. (F. & D. No. 44608. Sample No. 54016-D.)

This product was contaminated with arsenic and lead.

On November 23, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 crates of apples at East Peoria, Ill.; alleging that the article had been shipped in interstate commerce on or about November 17, 1938, from Fennville, Mich., by Joe H. Ritschel to himself at East Peoria, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29961. Adulteration of apples. U. S. v. 58 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 44375. Sample No. 45989-D.)

This product was contaminated with arsenic and lead.

On November 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by Gregory Frezados from St. Joseph, Mich., to the Gregory Frezados Fruit Stand, Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 14, 1938, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29962. Adulteration of flour. U. S. v. 164 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. No. 43849. Sample No. 38132-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 12, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 164 bags of flour at Mobile, Ala.; alleging that the article had been shipped on or about July 28, 1938, by the Hungarian Flour Mills from Denver, Colo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crescent Flour Mills * * * Belle of Denver High Patent."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 1, 1938, Meador & Barnett, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of as animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29963. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43558. Sample No. 23719-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bags of flour at New Iberia, La.; alleging that the article had been shipped on or about June 1, 1938, by the Morten Milling Co. from Dallas, Tex.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29964. Adulteration and misbranding of raspberry jam. U. S. v. 15 Cases of Raspberry Jam. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44210. Sample No. 34303-D.)

This product contained apples which had been substituted in part for raspberries.

On October 18, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of raspberry jam at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about September 24, 1938, by the Sun Distributing Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nature's Own Pure Raspberry Jam Manufactured By Fresh Grown Preserve Corp., Brooklyn, New York."

It was alleged to be adulterated in that apple had been substituted in whole or in part for the article.

It was alleged to be misbranded in that the statement "Pure Raspberry Jam" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained apple; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered turned over to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29965. Adulteration of candy. U. S. v. One Carton of Candy. Default decree of condemnation and destruction. (F. & D. No. 43704. Sample No. 22351-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carton of candy at Chicago, Ill.; alleging that the article had been shipped on or about August 17, 1938, by the Parkersburg Candy Co. from Parkersburg, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29966. Adulteration of candy. U. S. v. 7 Boxes, 5 Boxes, and 32 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43868, 43869, 43870. Sample Nos. 27949-D, 27950-D, 27951-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 14, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 boxes of candy at Peoria, Ill.; alleging that the article had been shipped in part on or about October 28, 1937, by Chicky Candies, Inc., from Grand Rapids, Mich., in part on or about May 27, 1938, by Sperry Candy Co. from Milwaukee, Wis., and in part on or about June 9, 1938, by Planters Nut & Chocolate Co. from Wilkes-Barre, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29967. Adulteration of canned spinach. U. S. v. 30 Cases and 39 Cases of Spinach. Default decree of condemnation and destruction. (F. & D. Nos. 43472, 43473. Sample Nos. 21381-D, 22248-D, 24772-D.)

This product was in part decomposed.

On or about August 29 and 31, 1938, the United States attorneys for the Northern and the Eastern Districts of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 cases of canned spinach at Dixon, Ill., and 39 cases of canned spinach at Danville, Ill.; alleging that the article had been shipped in interstate commerce on or about March 22, 1938, by Cane Hill Canning Co. from Lincoln, Ark. (the product was invoiced by Central Canners, Inc., Fayetteville, Ark.) ; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On October 24 and December 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29968. Adulteration and misbranding of butter. U. S. v. 69 Tubs of Butter. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. No. 43792. Sample No. 21181-D.)

This product contained less than 80 percent of milk fat, and mineral oil had been substituted in part for butterfat.

On or about August 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 20, 1938, by the Archer Produce Co. from Vinita, Okla. ; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923; and in that mineral oil had been substituted in part for butterfat.

It was alleged to be misbranded in that it was labeled "Butter," which labeling was false and misleading when applied to an article containing less than 80 percent of milk fat, and which contained mineral oil.

On December 21, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and not sold for food consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29969. Misbranding of canned cherries. U. S. v. 182 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. No. 44360. Sample No. 49681-D.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On November 16, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 182 cases of canned cherries at Forth Worth, Tex.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Producer's Brand Water Pack Colorado Red Pitted Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 23, 1938, the Producers Canning Co., claimant, having admitted the allegations of the libel, the court ordered the product released under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29970. Adulteration of flour. U. S. v. 18 Bags of Flour (and 1 other seizure action against the same product). Default decree of condemnation and destruction. (F. & D. Nos. 43871, 44248. Sample Nos. 29168-D, 33957-D, 33958-D, 33959-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 14 and October 28, 1938, the United States attorneys for the Eastern District of Virginia and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 48 bags of flour at Norfolk, Va., and 66 bags of flour at Atlanta, Ga.; alleging that the article had been shipped in part by the Pillsbury Flour Co. from Memphis, Tenn., on or about February 25, 1938, and in part by the Pillsbury Flour Mills Co. from Minneapolis, Minn., on or about July 15, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Pure Cracked Rye" "Pillsbury's Pure White Rye Flour" "Coarse Pillsbury's Pumpernickel Flour." The remainder was labeled: "Guaranteed Country Life Family Flour * * * Packed For Unity Mills Distributing Company * * * Minneapolis, Minnesota."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On November 11 and 19, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29971. Adulteration of flour. U. S. v. 191 Sacks of Flour. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. No. 44079. Sample No. 32308-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 191 sacks of flour at Chicago, Ill.; alleging that the article had been shipped on or about March 5, 1938, by the Rodney Milling Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mid City Strong Clear Made For Mid City Flour Co. Chicago, Ill."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On December 30, 1938, the Mid City Flour Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of in a manner other than for human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29972. Adulteration of rye flour. U. S. v. 92 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44078. Sample No. 32306-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 sacks of flour at Chicago, Ill.; alleging that the article had been shipped on or about May 6, 1938, by the New Richmond Roller Mills Co. from New Richmond, Wis.; and

charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kerns Pure Medium Rye J B A Kern and Sons Milwaukee Wis."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29973. Adulteration of flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43848. Sample No. 33950-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 13, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bags of flour at Norfolk, Va.; alleging that the article had been shipped on or about June 29, 1938, by Ballard & Ballard Co., Inc., from Louisville, Ky.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29974. Adulteration and misbranding of flour. U. S. v. 1,100 Bags of Flour. Consent decree of condemnation. Product released under bond to be disposed of as animal feed. (F. & D. No. 43561. Sample No. 38120-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination was found to be insect-infested. It also had been bleached but was not so labeled.

On August 29, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,100 bags of flour at Mobile, Ala.; alleging that the article had been shipped within the period from on or about November 24, 1937, to on or about February 23, 1938, by the Sperry Flour Co. from Tacoma, Wash.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance. Further adulteration was alleged in that bleached flour had been substituted wholly or in part for natural flour.

Misbranding was alleged in that the statement, "Gold Medal Flour Company (trade name) Southeastern Division of General Mills, Inc. Eighteen," was false and misleading and tended to deceive and mislead purchasers when applied to an article which was bleached flour.

On September 2, 1938, General Mills, Inc., filed a claim and answer admitting all allegations of the libel with the exception of the one that the article was adulterated because bleached flour had been substituted for natural flour, which allegation claimant denied. On September 3, 1938, the court entered a judgment of condemnation, and the product was ordered released to the claimant under bond conditioned that it be used as animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29975. Adulteration of candy. U. S. v. 9 Boxes and 12 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43522, 43621, 43622. Sample Nos. 23786-D, 23942-D, 37703-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about August 31 and September 8, 1938, the United States attorneys for the Southern District of Texas and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 9 boxes of candy at Galveston, Tex., and 12 boxes of candy at Thibodaux, La.; alleging that the product had been shipped within the period from January 19 to March 23, 1938, by Henry Heide,

Ine., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 29 and November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29976. Adulteration of candy. U. S. v. 19 Cartons, 17 Cartons, and 25 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43782, 43783, 43784. Sample Nos. 38073-D, 38075-D, 38374-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On or about September 14, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cartons and 25 boxes of candy at Alexandria La.; alleging that the article had been shipped in part on or about October 12, 1937, by the Loose-Wiles Co. from Kansas City, Mo., in part on or about May 12 and 26, 1938, by Mars, Inc., from Chicago, Ill., and in part on or about June 30 and August 11, 1938, by the Curtiss Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in substance in that the article consisted wholly or in part of a filthy vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29977. Adulteration and misbranding of candy. U. S. v. 17 Cartons, and 15 Cartons of Candy (and 3 similar seizure actions). (F. & D. Nos. 43494, 43495, 43496, 43546, 43553, 43838. Sample Nos. 23694-D, 23827-D, 38101-D, 38104-D, 38212-D, 38342-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. One lot was not properly labeled to indicate the quantity of contents.

On August 26 and 31 and September 1 and 13, 1938, the United States attorneys for the Southern District of Alabama, Eastern District of Louisiana, and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 65 cartons of candy in various lots at Mobile, Ala., New Orleans, La., Baton Rouge, La., and Fort Worth, Tex.; alleging that the article had been shipped within the period from October 9, 1937, to June 7, 1938, by the Schutter Candy Co. from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

One lot was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On October 7 and November 8, 11, and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29978. Adulteration of candy. U. S. v. 13 Boxes of Candy (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43554, 43611, 43667, 43668, 43728. Sample Nos. 13622-D, 37975-D, 38221-D, 38235-D, 38236-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 1, 6, 8, and 10, 1938, the United States attorneys for the Eastern District of Louisiana, Southern District of Mississippi, and the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 36 boxes of candy at Lockport, La., 47 cartons of candy at Hattiesburg, Miss., and 7 boxes of candy at Thomasville, Ga.; alleging that the article had

been shipped within the period from June 10, 1937, to May 24, 1938, by the Walter H. Johnson Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 12 and November 9 and 21, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29979. Adulteration of candy. U. S. v. 71 Cartons of Candy (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43416, 43478, 43569, 43583, 43780, 44168, 44212, Sample Nos. 13630-D, 23689-D, 27727-D, 27730-D, 37960-D, 38204-D, 38222-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

Between August 20 and October 18, 1938, the United States attorneys for the Southern District of Alabama, Eastern District of Louisiana, Southern District of Mississippi, Middle District of Georgia, and the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of a total of 159 cartons of candy in various lots at Mobile, Ala., Baton Rouge, La., Lockport, La., Hattiesburg, Miss., Tifton, Ga., and Memphis, Tenn.; alleging that the article had been shipped within the period from January 26 to August 29, 1938, by the Williamson Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Between September 30 and December 6, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29980. Adulteration of candy. U. S. v. 18 Boxes, 140 Cartons, and 10 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43566, 43643 to 43647, inclusive, 43655. Sample Nos. 23787-D, 38225-D, 38227-D to 38230-D, inclusive, 38343-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 3 and 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 boxes and 150 cartons of candy in various lots at New Orleans, Lockport, and Thibodaux, La., respectively; alleging that the article had been shipped within the period from November 23, 1937, to April 30, 1938, by General Foods Sales Co., Inc., in part from St. Louis, Mo., and in part from Milton, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 9, and 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29981. Adulteration of candy. U. S. v. 25 Cartons of Candy (and 9 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43564, 43565, 43575, 43576, 43586, 43587, 43614, 43623, 43624, 43663, 43670, 43671, 43777, 43858, 43908. Sample Nos. 25111-D, 29122-D, 37961-D, 37962-D, 38088-D to 38090-D, inclusive, 38142-D, 38213-D, 38214-D, 88345-D, 88362-D, 88363-D, 88364-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

Between August 18 and September 26, 1938, the United States attorneys for the Eastern District of Louisiana, Southern District of Mississippi, Northern District of Florida, Northern District of Georgia, and the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of a total of 261 cartons of candy in various lots at New Orleans, Covington, Hammond, Slidell,

and Baton Rouge, La., Hattiesburg, Miss., Marianna, Fla., Marietta, Ga., and Mobile, Ala.; alleging that the article had been shipped within the period from August 18, 1937, to July 19, 1938, by Mars, Inc., in part from Chicago, Ill., and in part from Galewood, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Between October 10 and December 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29982. Adulteration of candy. U. S. v. 6 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43774. Sample No. 25117-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 19, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of candy at Tallahassee, Fla.; alleging that the article had been shipped on or about April 22, 1938, by L. S. Heath & Sons from Robinson, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29983. Adulteration of candy. U. S. v. 37 Cartons of Candy (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43734, 43735, 44090. Sample Nos. 23824-D, 23825-D, 33981-D, 33982-D, 33983-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8 and October 8, 1938, the United States attorneys for the Northern District of Texas and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 59 cartons of candy at Fort Worth, Tex., and 15 cartons and 20 boxes of candy at Norfolk, Va.; alleging that the article had been shipped within the period from October 18 to November 27, 1937, by Queen Anne Candy Co. from Hammond, Ind.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 3 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29984. Adulteration of candy. U. S. v. 6 Cartons of Candy (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43453, 43455, 43731, 43732, 43733, 44164, 44165. Sample Nos. 23821-D, 23822-D, 23823-D, 38105-D, 38106-D, 38258-D, 38259-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

Between August 23 and October 13, 1938, the United States attorneys for the Southern District of Alabama and the Northern and the Western Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 cartons of candy at Mobile, Ala., 559½ cartons of candy at Fort Worth, Tex., and 94 cartons of candy at San Antonio, Tex.; alleging that the article had been shipped within the period from April 1 to July 8, 1938, by Hollywood Candy Co., in part from Minneapolis, Minn., and in part from Centralia, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 30 and November 22, 1938, and January 9, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29985. Adulteration of candy. U. S. v. 15 Cartons and 8 Cartons of Candy. Default decrees of condemnation and destruction. (F. & D. Nos. 43706, 43802. Sample Nos. 38126-D, 38249-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 3 and on or about September 14, 1938, the United States attorneys for the Southern District of Alabama and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 cartons of candy at Mobile, Ala., and 8 cartons of candy at Houston, Tex.; alleging that the article had been shipped on or about October 4 and December 14, 1937, by Elmer Candy Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 8 and 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29986. Adulteration of candy. U. S. v. 22 Cartons of Candy (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43657, 43674, 43675, 43717, 43746, 44197, 44198. Sample Nos. 13624-D, 27728-D, 27729-D, 38098-D, 38099-D, 38237-D, 38370-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 6, September 8, and October 18, 1938, the United States attorneys for the Eastern District of Louisiana, Middle District of Georgia, and Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 22 cartons of candy at Lockport, La., 9 cartons at Donaldsonville, La., 24 boxes at Covington, La.; 19 boxes at Valdosta, Ga., and 11 cases of candy at Memphis, Tenn.; alleging that the article had been shipped within the period from September 1, 1937, to August 31, 1938, by Curtiss Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 9, and 28 and December 6, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29987. Adulteration of candy. U. S. v. 9 Cartons of Candy (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43600, 43684, 43729, 43730. Sample Nos. 37701-D, 38067-D, 38091-D, 38369-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 1 and 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9 cartons of candy at Houma, La., 6 cartons at Baton Rouge, La., and 17 boxes of candy at Donaldsonville, La.; alleging that the article had been shipped within the period from January 18 to May 17, 1938, by the Brock Candy Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29988. Adulteration and misbranding of candy. U. S. v. 24 Boxes and 24 Boxes of Candy (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43159, 43443, 43779. Sample Nos. 13629-D, 23699-D, 26330-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested. One lot consisted of chocolate-coated marshmallow bars covered with peanuts, which the labeling represented to be almonds.

On August 1, August 22, and September 9, 1938, the United States attorneys for the District of Connecticut, Southern District of Alabama, and the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 48 boxes of candy at New Haven, Conn., 15 cartons at Mobile, Ala., and 18 boxes of candy at Tifton, Ga.; alleging that the article had been shipped within the period from March 22, 1938, to May 20, 1938, by the Paul F. Beich Co., in part from Chicago, and in part from Bloomington, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance. One lot was alleged to be adulterated further in that a substance which contained peanuts had been substituted wholly or in part for an article which purported to contain almonds.

The said lot was alleged to be misbranded in that the statement "Almond" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained peanuts.

On September 30, October 27, and November 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29989. Adulteration of candy. U. S. v. 34½ Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43648 to 43651, inclusive. Sample Nos. 38231-D to 38234-D, inclusive.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 9, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34½ cartons of candy at Lockport, La.; alleging that the article had been shipped on or about June 3, 1938, by National Candy Co., Inc., from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29990. Adulteration of candy. U. S. v. 12 Cartons of Candy (and 3 other seizures of the same product). Default decree of condemnation and destruction. (F. & D. Nos. 43552, 43596, 43747, 44039. Sample Nos. 13625-D, 23959-D, 35491-D, 38209-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

Between the dates of September 1 and October 3, 1938, the United States attorneys for the Eastern District of Louisiana, the Southern District of Texas, Middle District of Georgia, and the District of Maine, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cartons of candy at Baton Rouge, La., 23 cartons at Houston, Tex., 23 boxes at Valdosta, Ga., and 23 boxes of candy at Portland, Maine; alleging that the article had been shipped within the period from September 14, 1937, to January 20, 1938, by Bunte Bros. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 17 and November 8, 28, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29991. Adulteration of candy. U. S. v. 11 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43479. Sample No. 38207-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 26, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of candy at Baton Rouge, La.; alleging that the article had been shipped on or about October 6, 1937, by Salvo & Berdon Candy Co. from Natchez, Miss.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29992. Adulteration of cocoa beans. U. S. v. 11 Bags of Cocoa Beans. Default decree of condemnation and destruction. (F. & D. No. 44249. Sample No. 26000-D.)

This product, which had been imported, was found at the time of examination to be moldy and wormy.

In October 31, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bags of cocoa beans at New York, N. Y.; alleging that the article had been shipped on or about August 27, 1938, by Gordon Grant Co., Ltd., from Trinidad, British West Indies; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Magdalena * * * Product of Trinidad."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On November 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29993. Adulteration of candy. U. S. v. 59 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43501. Sample No. 21142-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 29, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 boxes of candy at Grand Rapids, Mich.; alleging that the article had been shipped on or about February 17 and April 23, 1938, by the Ambrosia Candy Co. from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29994. Adulteration of candy. U. S. v. 32 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43913. Sample No. 25034-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 16, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 boxes of candy at Tampa, Fla.; alleging that the article had been shipped on or about July 25, 1938, by Ucanco Candy Co., Inc., from Davenport, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29995. Adulteration of apples. U. S. v. 13 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43813. Sample No. 32748-D.)

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by the South Haven Fruit Exchange from South Haven, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29996. Adulteration of apples. U. S. v. 9 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43812. Sample No. 32746-D.)

This product was contaminated with arsenic and lead.

On August 18, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 14, 1938, from Benton Harbor, Mich., by Kramer Bros., of Chicago, Ill., to themselves at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bryan Wise Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29997. Adulteration of candy. U. S. v. Max J. Pinski (Pelican State Candy Co.). Plea of guilty. Fine, \$30. (F. & D. No. 42513. Sample Nos. 53552-C to 53554-C, inclusive, 53571-C.)

Samples of this product were found to contain larvae, weevils, and insect fragments.

On June 2, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max J. Pinski, trading as Pelican State Candy Co., New Orleans, La.; alleging shipment by said defendant within the period from on or about September 8 to on or about October 25, 1937, from the State of Louisiana into the State of Texas of quantities of candy which was adulterated. The article was labeled in part: "Pelican Brand * * * Kandy Kones [or "Pussy Willow" or "Big Boy Poco Squares"]".

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 3, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29998. Adulteration of flour. U. S. v. 183 Bags of Flour (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43641, 43642, 43736. Sample Nos. 38218-D, 38219-D, 38365-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 3 and 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 183 bags of flour at Hammond, La., and 20 bags of flour at Donaldsonville, La.; alleging that the article had been shipped within the period from on or about June 22, 1938, to on or about August 13, 1938, by Wolf Milling Co. from Ellinwood, Kans.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Bleached Snow Belle Ellinwood Milling Co. Ellinwood Kans." The remainder was labeled: "Wolf's Premium Bleached Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29999. Adulteration of Brazil nuts. U. S. v. 56 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. & D. No. 44468. Sample No. 26174-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part moldy and decomposed.

On December 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 bags of Brazil nuts at New York, N. Y.; alleging that the article had been shipped on or about November 23, 1938, by W. A. Camp Co. from Hoboken, N. J.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 20, 1938, the W. A. Camp Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30000. Misbranding of canned tomatoes. U. S. v. 480 Cases and 500 Cases of Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44311, 44312. Sample Nos. 19649-D, 19650-D.)

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On November 9, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 980 cases of canned tomatoes at Minneapolis, Minn.; alleging that the article had been shipped in part on or about September 30 and in part on or about October 15, 1938, by C. K. Heidbreder (temporary trustee, Ozark Mountain Canning Co.) from Springfield, Mo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manor House Tomatoes * * * Packed by Ozark Mountain Canning Co."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 20, 1938, K. Aslesen Co., Minneapolis, Minn., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 29801-30000

	N. J. no.	Candy—Continued.	N. J. No.
Almonds. <i>See</i> Nuts.		Heide, Henry, Inc.	29975
Apple butter. <i>See</i> Preserves, jams and jellies.		Hollywood Candy Co.	29984
Apples—		Joan Candy Co., Inc.	29929
Bernstein Bros.	29917	Johnson, Walter H., Candy Co.	29978
Brenner, Ed.	29859	Loose-Wiles Co.	29976
Chappell, L. A.	29861	Mars, Inc.	29976, 29981
Dass, A. F.	29806	McGraw Candy Co.	29846
Donovan, Batt.	29867	National Candy Co., Inc.	29989
Ferguson, F. H., & Son.	29814	Parkersburg Candy Co.	29965
Fichtner, E. A.	29805	Pelican State Candy Co.	29997
Frezados, Gregory	29961	Pinski, M. J.	29997
Frezados, Gregory, Fruit Stand	29961	Planter's Nut & Chocolate Co.	29966
Grieser, L. J.	29806	Queen Anne Candy Co.	29983
Hamilton, William	29839	Salvo & Berdon Candy Co.	29991
Harris, L. C.	29839	Schutter Candy Co.	29977
Isaacs, Ralph	29819	Sperry Candy Co.	29966
Kramer Bros.	29996	Stover's, Mrs., Bungalow Candles, Inc.	29826
Kringas, George	29836	Ucanco Candy Co., Inc.	29994
Morning Star Orchards	29819	Williamson Candy Co.	29979
Redmond, John	29894	York Cone Co.	29848
Rinelli, Samuel	29814	Caraway seed. <i>See</i> Spices.	
Ritschel, J. H.	29960	Casco powdered flavor. <i>See</i> Flavors.	
Rodewald, F. W.	29836	Cheese. <i>See</i> Dairy products.	
Rueff, Joseph	29957	Cherries, canned:	
Shafton Co.	29859	Brocton Preserving Co., Inc.	29949
South Haven Fruit Exchange	29995	Huber Packing Co.	29811, 29913
Wallace, Frank	29894	Maling, B. E., Inc.	29863
Wise, Bryan	29996	National Fruit Canning Co.	29945
Zimmerman, William	29959	Phillips-Lewis Co., Inc.	29810
crab:		Producers Canning Co.	29969
Heidema Bros.	29881	Producers Cooperative Packing Co.	29937
Loomis, F. M.	29881	Ray-Maling Co., Inc.	29863
Bakery products—		Red & White Corporation	29949
bread:		Seiter's, Inc.	29855
City Baking Co.	29842	Wallace, Burton & Davis Co.	29810
Skaggs, O. P., Co.	29842	Western Oregon Packing Corporation	29810
fig bars:		Chickens. <i>See</i> Poultry.	
Suzette Bakeries	29860	Clams. <i>See</i> Fish and shellfish.	
Zion Baking Co.	29860	Cocktail mixers. <i>See</i> Beverages and beverage bases, mixers.	
graham crackers:		Cocoa:	
Burry Biscuit Corporation	29838	Green Spot, Inc.	29956
Beverages and beverage bases—		beans:	
grape juice:		Gordon Grant Co., Ltd.	29992
House of David Cold Storage		Corn meal:	
Plant	29870	Valley Mills	29832, 29955
lemon flavor:		Western Grain Co.	29852
Pristine Products, Inc.	29907	Cottonseed cake. <i>See</i> Feed, cottonseed products.	
lime flavor:		screenings. <i>See</i> Feed, cottonseed products.	
Booth Bottling Co.	29900	meal. <i>See</i> Feed, cottonseed products.	
mixers:		Crab apples. <i>See</i> Apples, crab.	
Booth Bottling Co.	29900	meat. <i>See</i> Fish and shellfish.	
Original Quality Cracker Co.	29907	Cream. <i>See</i> Dairy products.	
Pristine Products, Inc.	29907	Dairy products—	
Blackberries, canned:		butter:	
Paulus Bros. Packing Co.	29816	Archer Produce Co.	29827, 29968
Brazil nuts. <i>See</i> Nuts.		Armour & Co.	29815, 29878
Bread. <i>See</i> Bakery products.		Armour Creameries	29815
Butter. <i>See</i> Dairy products.		Beatrice Creamery Co.	29831
Candy:		Bentley, B. F.	29906
Ambrosia Candy Co.	29993	Blue Valley Creamery Co.	29938
Beich, Paul F., Co.	29988	Chesapeake Creameries, Inc.	29903, 29905
Bobs Candy & Pecan Co.	29875	Deer Creek Creamery Co.	29932
Brock Candy Co.	29987	Dublin Creamery Co., Inc.	29851, 29864
Bunte Bros.	29990		
Charms Sales Co.	29813		
Chicky Candies, Inc.	29966		
Curtiss Candy Co.	29976, 29986		
Elmer Candy Co., Inc.	29985		
Fair Play Caramels, Inc.	29845		
General Foods Sales Co., Inc.	29980		
Heath, L. S., & Sons	29982		

Dairy products—Continued.

buttermilk—continued.	N. J. No.
Fairmont Creamery Co.	29822
Fairview Creamery Co.	29944
Falls City Creamery Co.	29918
Fort Worth Poultry & Egg Co.	29872
Gilt Edge Creamery	29906
Highland Creamery	29874
Kimball Creamery Co.	29857
Lubbock Poultry & Egg Co.	29873
Nichols, J. G.	29906
Rye Co-operative Creamery Assoc.	29823
Spring Valley Butter Co.	29862, 29901
Swift & Co.	29804
Verdigre Creamery Co.	29871
Wilson & Co.	29851, 29873
cheese:	
Center Dairy Products	29888
Devine Creamery	29835, 29941
Smith, P. R.	29888
Smith, Paul R., Creamery	29888
South Texas Producers Association	29939
Italian, grafted:	
Italian Cheese Co., Inc.	29879
cream:	
Fairbury Produce Co.	29935
milk products:	
Lacticam:	
Milk Minerals Co., Inc.	29843
Eggs, frozen:	
Henningsen Bros., Inc.	29890
Hollywood Creamery Co.	29933
Feed—	
cottonseed products:	
Culbertsons, J. J., Jr.	29904
Culbertson, J. J., III	29904
Honey Grove Cotton Oil Co.	29902
Le Clercq, J. S., Jr.	29904
Prairie Cotton Oil Co.	29904
Rule-Jayton Cotton Oil Co.	29925
Superior Cake & Meal Co.	29902
Tobian, Louis, & Co.	29904
Fig bars. <i>See</i> Bakery products.	
Figs:	
Los Angeles Nut House	29820
Fish and shellfish—	
canned, canned:	
Brown, F. N.	29803
Brown & Hart Packing Co.	29803
Hart, W. P.	29803
crab meat:	
Gulf Coast Fisheries	29801
Nandua Seafood Co.	29850
Shaw, H. W.	29801
Shaw, J. R.	29801
canned:	
American Transfer Co.	29833
Gulf Packing Co.	29833
mackerel, canned:	
Coast Fishing Co.	29947
oysters:	
Dryden, Carol, Co.	29825
canned:	
Dunbar-Dukate Co., Inc.	29946
perch:	
Commonwealth Ice & Cold Storage	29916
Gorton-Pew Fisheries Co., Ltd.	29916
Mid Central Fish Co. of Maine	29930
scallops:	
Davis, M. B., Scallop Co.	29910, 29921
Fort Myers Sea Food Co.	29914
Holmes & Co.	29919
Holmes Fish Co.	29920
Stansbury Bros.	29915
shad, canned:	
Booth, F. E., Co., Inc.	29824
Howard Terminal	29824

Fish and shellfish—Continued.

shrimp, canned:	N. J. No.
Brooks, W. M., Packing Co., Inc.	29856
Gulf Coast Sales Co.	29893
Pelham, J. H., Co.	29893
frozen:	
Kraus, C. F.	29896
tullibees:	
Booth Fisheries Corporation	29821
Flavors—	
Casco powdered flavor:	
Chapman & Smith Co.	29886
Flour:	
Ballard & Ballard Co., Inc.	29973
Burrus Mill & Elevator Co.	29895
Crescent Flour Mills	29962
Dixie-Portland Flour Co.	29830
Ellinwood Milling Co.	29998
General Mills, Inc.	29847, 29899, 29954, 29974
Kansas Milling Co.	29953
Larabee Flour Mills Co.	29889
Lawrenceburg Roller Mills	29952
Mid City Flour Co.	29971
Morten Milling Co.	29963
New Era Milling Co.	29829
Pillsbury Flour Co.	29970
Postel, P. H., Milling Co.	29951
Prudential Milling Co.	29899
Quaker Oats Co.	29828
Red Star Milling Co.	29954
Rodney Milling Co.	29971
Royal Milling Co.	29818
Smith, G. B. R., Milling Co.	29834, 29956
Southwide Flour Co.	29899
Sperry Flour Co.	29847, 29974
Unity Mills Distributing Co.	29970
Wolf Milling Co.	29998
rye:	
Kern, J. B. A., & Sons	29972
New Richmond Roller Mills Co.	29972
Pillsbury Flour Mills Co.	29970
sausage:	
Griffith Laboratories	29844
Graham crackers. <i>See</i> Bakery products.	
Grape juice. <i>See</i> Beverages and beverage bases.	
Grits:	
Houston Milling Co.	29908
Quaker Oats Co.	29828, 29891
Hominy grits. <i>See</i> Grits.	
Jam. <i>See</i> Preserves, jams, and jellies, preserves and jams.	
Lacticam. <i>See</i> Dairy products, milk products.	
Lemon cocktail mixers. <i>See</i> Beverages and beverage bases, mixers.	
Lime cocktail mixer. <i>See</i> Beverages and beverage bases, mixers.	
Mackerel. <i>See</i> Fish and shellfish.	
Nuts—	
almonds:	
Rosenberg Bros. & Co.	29865, 29943
Brazil:	
Camp, W. A., Co.	29999
mixed:	
Peanut Peter Nut Co.	29931
peanuts:	
Collman, M. G.	29869
pecans, shelled:	
Funsten, R. E., Co.	29892
Zerr, E. M., & Co.	29934
pine:	
Goodman Products Corporation	29884
walnut meats:	
Glaser Nut Shelling Co.	29882
Sunset Nut Shelling Co.	29883

* Prosecution contested.

	N. J. No.	N. J. No.	
Oats, rolled:			
Quaker Oats Co.	29828	Pignoli nuts. <i>See</i> Nuts, pine.	
Oil, vegetable:		Pine nuts. <i>See</i> Nuts, pine.	
Van Camp Oil Products Co. ²	29880	Poultry:	
olive:		chickens:	
Durkee Famous Foods, Inc.	29880	Tracy Produce Co.	29942
Esposito, John	29927	Preserves, jams, and jellies:	
Esposito, P., & Bros., Inc.	29926	apple butter:	
Esposito, Pietro	29926, 29928	Old Virginia Packing Co., Inc.	29887
Import Oil Corporation	29927	preserves and jams:	
Italo Olive Oil Co.	29928	Fresh Grown Preserve Corporation	29876, 29964
La Glorioso Packing Co.	29926	Sun Distributing Co.	29964
Planters Edible Oil Co.	29877	Prunes:	
Van Camp Oil Products Co. ²	29880	California Packing Corporation	29024
Oysters. <i>See</i> Fish and shellfish.		Pumpernickel flour. <i>See</i> Flour, rye.	
Peaches, canned:		Raisins:	
Gresham Berry Growers, Inc.	29841	Dubon Co.	29817
Peanut butter:		Fraering Brokerage Co., Inc.	29817
Denison Peanut Co., Inc.	29923	Rye flour. <i>See</i> Flour, rye.	
Peanuts. <i>See</i> Nuts.		Sausage flour. <i>See</i> Flour, sausage.	
Pears:		Scallops. <i>See</i> Fish and shellfish.	
Bahn, Ferdinand	29809	Shad. <i>See</i> Fish and shellfish.	
Holmquist, G. E.	29807	Shrimp. <i>See</i> Fish and shellfish.	
Lores, Peter	29807	Spices—	
Reinhardt, George	29808	caraway seed:	
Reter Fruit Co.	29837	Petry, P. H.	29802
Williamson, C. P.	29958	Spinach, canned:	
canned:		Cane Hill Canning Co.	29967
Kale, C. S., Canning Co.	29840	Central Canners, Inc.	29967
Peas, canned:		Tomato catsup:	
Dorgan-McPhillips Packing Corporation	29948	Curtice Bros. Co.	29922
Frederica Packing Co.	29868	Farm King Packing Co., Inc.	29885, 29911
Lineboro Canning Co., Inc.	29812, 29912	Horse Shoe Pickle Works, Ltd.	29858
Mason Canning Co.	29854	ketchup. <i>See</i> Tomato catsup.	
New Oxford Canning Co.	29887, 29909	paste:	
Phillips Packing Co., Inc.	29849	Page's Gold Medal Canning Co., Inc.	29898
Phillips Sales Co., Inc.	29849	puree:	
Silver, Wm. & Co.	29909	Smith Canning Co.	29853
Sisk, A. W., & Son.	29812, 29912	Tomatoes, canned:	
field, with snaps, canned:		Gilbert Canning Co.	29940
Shelmore Oyster Products Co.	29936	Heidbreder, C. K.	30000
Pecans. <i>See</i> Nuts.		Ozark Mountain Canning Co.	30000
Perch. <i>See</i> Fish and shellfish.		Rawl, W. F.	29940

² Contains findings of fact and conclusions of law.

